

**MCHENRY COUNTY BOARD
MINUTES OF THE REGULAR SESSION MEETING
SEPTEMBER 20, 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, September 20, 2005.

Chairman Koehler called the meeting to order at 7:00 p.m. The Pledge of Allegiance to the Flag was led by members of Brownie Troop 488 and 417 of Richmond with Members of the Board, department heads and visitors participating. The brownies participating were Sarah Schenk, Nicole Hoffmann and Sandy Schenk with leader Melissa Hoffman. Ms. Orphal gave the invocation/personal remarks. Chairman Koehler thanked the brownies for coming to the meeting.

ROLL CALL

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

MINUTES

Mr. Klasen made a motion seconded by Ms. Chmiel to approve County Board Regular Session minutes from August 16th and September 6th.

Chairman Koehler asked for any changes or corrections. One item was noted on the September 6th minutes and will be corrected.

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 county auction has been postponed to next spring because there is some opportunity to possibly provide some of our equipment to some of the needy municipalities that have been ravaged by the hurricane down south.

SPECIAL RECOGNITION

Mr. Merkel made a motion seconded by Mr. Hammerand to approve the following Eagle Scout recognition:

David Schaefer of Troop #131 in McHenry

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

ZBA CONSENT AGENDA

Chairman Koehler asked if anyone wished to remove a petition. Mr. Klasen asked to remove Petition #05-44.

Ms. Gilman made a motion seconded by Mr. Shea to approve the following Petitions:

- Exb. #05-53; Richmond Twp; Raytek Development Corp; reclass of I1/B to !1/B1
- Exb. #05-70; Coral Twp; Franks Real Prop Trust; reclass A1C to A1C (amend)
- Exb. #05-71; Richmond Twp; Pease; reclass A1 to E1
- Exb. #05-81; Marengo Twp; Randall; reclass of A1 to A1V
- Exb. #05-82; Coral Twp; Donley; reclass of B3 to B3V
- Exb. #05-85; McHenry Twp; Hellios; reclass of A1 to R1
- Exb. #05-95; Algonquin Twp; Dobbeck; reclass of R1 to R1V

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

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

- Exb. #05-44; Alden Twp; Bianchini, reclass of A1C to A1C (amend)

Chairman Koehler asked for any discussion. Mr. Klasen asked about the 20 year conditional use permit, he thought 10 years was the limit. Mr. Kelly said because this is AG zoning with the nursery on the property and the substantial investment that they are making 20 years is acceptable.

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

ZBA REGULAR AGENDA

Ms. Gilman told the board that although she must make a motion to Deny, there is an alternative that will be proposed by Mr. Brewer that will address the issues that the board had on this petition.

Ms. Gilman made a motion seconded by Ms. Orphal to DENY the following petition:

- Exb. #04-109; Algonquin Twp; Kolker; reclass of A1 to R1V (continued from 8/16)

Chairman Koehler asked for any discussion. Mr. Brewer encouraged the board to deny this, to vote no, denial as he will bring forth a motion after the vote that will address the issues that the board had. Ms. Chmiel asked about the size of the lot. Ms. Ehardt responded with the dimensions. Mr. Munaretto suggested that as we review our zoning ordinances we find some way to treat these areas either as a sub-area or with some special consideration for the uniqueness that this area poses in relation to our ordinance.

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

Mr. Brewer made a motion seconded by Ms. Miller to approve the following Petition with the change in wording as given:

Exb. #04-109; Algonquin Twp; Kolker; reclass of A1 to R1V

Worded as follows: Grant the request for reclassification from A1 to R1 and be a resubdivision from the current Lots 1, 2 and 3 to Kolker's Lot 1 in Block 7 in Arthur Traube & Co.'s Indian Grove Subdivision; and grant the requested variances to allow the garage to be built and a second story addition and to grant the variances for side yards, back yards and set backs.

Chairman Koehler asked for any discussion. Questions were asked about a second house and septic vs. sewer. Mr. Brewer responded that there will be no second house on the property and that the Village of Algonquin has agreed to provide sewer service to the property for a large fee. The outside perimeters of the property are the side yards. Mr. Shea asked about the north lot of the three that is not on the tax rolls but it is insured by the subdivision. Mr. Brewer said the north lot is owned by the association which is non-for-profit and is defunct. That lot is not included in this.

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

Ms. Gilman was asked by the attorney for the petitioner for Petition #05-68 to remove this from the agenda today to be brought back on October 18th.

PUBLIC PARTICIPATION

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

Robert Abboud of Barrington Hills	against	Land Application Systems
Janet Agnolette of Barrington Hills (BACOG)	against	Duda property development

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

NEW AND UNFINISHED BUSINESS

None

APPOINTMENTS

None

ROUTINE CONSENT AGENDA

Chairman Koehler asked if anyone wished to remove an item from the agenda, there were none. Ms. Gilman made a motion seconded by Mr. Provenzano to approve the Routine Consent Agenda.

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

ORDINANCES

None

ADMINISTRATOR'S REPORT

Mr. Austin said that the budget hearing will be on the 27th in front of the Finance Committee. Next week interviewing for a lobbyist will be done, a package of information has been requested from each firm which includes performance history's and references, particularly local government references.

EXECUTIVE SESSION

Chairman Koehler said there is a need to go into executive session to review executive session minutes reviewed by the State's Attorney's office

Mr. Hammerand made a motion seconded by Ms. Miller to go into executive session at 7:40 p.m..

Mr. Heisler made a motion seconded by Ms. Miller to go back into regular session.

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

Executive Session ran from 7:40 p.m. to 7:48 p.m.

Mr. Munaretto made a motion seconded by Mr. Heisler to approve the release of Executive Session minutes approved for release by the State's Attorney's office with the exclusion of minutes from October 9, 1998 and June 21, 2005 which were requested to go for further review,

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

MEMBERS' COMMENTS

Chairman Koehler said there is another resolution on everyone's desk brought forward in jest! He was challenged to get a resolution passed so that he could get black forest cake. He said if the board is in favor of this resolution he might be able to supply this cake at one of our meetings.

Mr. Provenzano made a motion seconded by Ms. Miller to approve this resolution. On a unanimous voice vote, the motion is passed.

Mr. Moy said tomorrow Ms. Hill, Ms. Kate and Mr. Jung and himself will be serving people in front of the Farm and Fleet. If anyone else would like to come and shake hands and meet people you're welcome to do so.

Mr. Shea thanked everyone for their concern of his injury and for the flowers he received.

Ms. Zierer invited fellow board members to Valley Hi on October 4th to take a walk around and look at how the new facility is coming along.

Ms. Kate reported that her house is not sold yet and she will let everyone know when it is.

COMMUNICATIONS

Ms. Kate spoke about the copy of a letter that is on everyone's desk. It is in regard to the Ensign/McCain Broadband Investment and Consumer Choice Act. It will be sent to representatives in Washington D.C. Ms. Salgado asked if the wording is exact from the Act. Ms. Kate said it was written by the attorney Michael Smoron (sp) for the Fox Valley Cable Commission and he has read the Act. Ms. Hill suggested certain clarifications be done in the letter as well as correcting some typos. These will be taken care of then the letter will be signed by Chairman Koehler on behalf of the county and mailed out if there are no objections by the board. There were no objections.

ADJOURNMENT

Mr. Heisler made a motion seconded by Mr. Shea to adjourn at 7:58 p.m. Chairman Koehler declared the motion passed on a unanimous voice vote.

Dated and approved at Woodstock, Illinois this 4th day of October, A.D., 2005.

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

ATTEST:

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