

MCHENRY COUNTY BOARD  
MINUTES OF THE REGULAR SESSION MEETING  
MAY 16, 2006

Chairman of the Board – Kenneth D. Koehler (District 2)

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

The Honorable County Board of McHenry County, Illinois met in Regular Session on Tuesday, May 16, 2006.

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.

**ROLL CALL**

The roll was called by County Clerk Katherine C. Schultz. The following members responded: Miller, Moy, Orphal, Peschke, Provenzano, Shea, Wheeler, Brewer, Chmiel, Draffkorn, Dvorak, Gilman, Hammerand, Heisler, Hill, Hobson, Jung, Larson, Merkel, Koehler. Absent: Munaretto, Salgado, Zierer and Klasen. Chairman Koehler declared a quorum present with twenty (20) members responding.

**MINUTES**

Mr. Shea made a motion seconded by Ms. Gilman to approve County Board Regular Session minutes from May 2<sup>nd</sup>, 2006.

Chairman Koehler asked for any changes or corrections, there were none.

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

**CHAIRMAN'S REMARKS**

Chairman Koehler mentioned that the McHenry County Historical Society has come before two of our committees requesting that the county consider membership. One of the committees was in favor of it the other was not. The dues are \$2,500. He asked the board for a hand count if there was any interest in bringing this forward. Consensus showed that we should bring this forward in the near future for discussion. Also, the Foundation for Valley Hi has an annual rodeo to raise funds for Valley Hi. The Foundation would like to build a four-seasons room on the new facility when it is completed and would like to raise between \$60,000 and \$100,000 from the rodeo to do that. Chairman Koehler said for those who would like to support this, they're looking for people to take out ads and for donations towards the program.

Also, Chairman Koehler noted that Agenda Item 14.2 G(1) on the Routine Consent Agenda will be moved up to special recognition.

**SPECIAL RECOGNITION**

Mr. Heisler made a motion seconded by Mr. Larson to approve the following Eagle Scout recognitions:

Michael Fortney of Troop #158	in Crystal Lake
Daniel McCormick of Troop #158	in Crystal Lake
Matt McGrath of Troop #158	in Crystal Lake
Dominic A. DiGregor of Troop #347	in Crystal Lake

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

14.2 G(1) ***Resolution recognizing services of a retiring member of the Zoning Board of Appeals, Edward Haerter.***

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

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

Mr. Haerter came forward and was presented with a Certificate from Chairman Koehler. A plaque will be sent to him. Mr. Haerter talked a little about his time on the ZBA and thanked the board.

ZBA CONSENT AGENDA

Chairman Koehler asked if anyone wished to remove a petition from the agenda.

Ms. Gilman asked to remove Exb. #06-01C; McHenry Co. Planning & Development as we have a member who needs to abstain from voting; a request from the Petitioner to pull Exb. #05-100; Richmond Twp. to come back next month; and Ms. Ehardt asked to pull Exb. #06-27; Nunda Twp. by request of the Petitioner. She will get a copy of the request to the Chairman.

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

- Exb. #05-121; Dorr Twp; Villaviceneio/Lienhard; reclass of A1 to A1C
- Exb. #06-11; Coral Twp; Strong/Gray/Argall; reclass of A1 to A2
- Exb. #06-14; Nunda Twp; LaReese/Ericson; reclass of R1 to R1V
- Exb. #06-15; Algonquin Twp; Garrett; reclass of A1 to A1V
- Exb. #06-21; Coral Twp; McGowan; reclass of E1 to E1V
- Exb. #06-22; Seneca Twp; Bauman/Mollitor; reclass of A1 to A1V

Chairman Koehler asked for a roll call vote. The following members responded aye: Miller, Moy, Orphal, Peschke, Provenzano, Shea, Wheeler, Brewer, Chmiel, Draffkorn, Dvorak, Gilman, Hammerand, Heisler, Hill, Hobson, Jung, Larson, Merkel and Koehler. Absent: Munaretto, Salgado, Zierer and Klasen. The vote being twenty (20) aye votes, noting four (4) absent, Chairman Koehler declared the motion passed.

Ms. Gilman made a motion seconded by Mr. Shea to approve the following Petition:  
Exb. #06-01C; McHenry Co. Planning & Development

Chairman Koehler stated that he would be abstaining from the vote as he has a financial interest in one of the properties that is named.

Chairman Koehler asked for a roll call vote. The following members responded aye: Miller, Moy, Orphal, Peschke, Provenzano, Shea, Wheeler, Brewer, Chmiel, Draffkorn, Dvorak, Gilman, Hammerand, Heisler, Hill, Hobson, Jung, Larson and Merkel. Abstain: Koehler. Absent: Munaretto, Salgado, Zierer and Klasen. The vote being nineteen (19) aye votes, one (1) abstention and four (4) absent, Chairman Koehler declared the motion passed.

ZBA REGULAR AGENDA

There was no recommendation from the ZBA so Ms. Gilman asked for a motion from the board. Ms. Orphal made a motion seconded by Mr. Moy to approve the following Petition:  
Exb. #05-26; McHenry Twp; First Mdwst. Tr. 13362; reclass B3C to B3C (new CU)

Chairman Koehler asked for a roll call vote. The following members responded aye: Miller, Moy, Orphal, Peschke, Provenzano, Shea, Wheeler, Brewer, Chmiel, Draffkorn, Dvorak, Gilman, Hammerand, Heisler, Hill, Hobson, Jung, Larson, Merkel and Koehler. Absent: Munaretto, Salgado, Zierer and Klasen. The vote being twenty (20) aye votes, noting four (4) absent, Chairman Koehler declared the motion passed.

Ms. Gilman made a motion seconded by Ms. Chmiel to approve the following Petition as recommended by the ZBA:

Exb. #05-48; Seneca Twp; Stack; reclass A1 to A1CV;  
ZBA recommends approval of Variations; Deny – Conditional Use

Ms. Gilman commented that she felt the ZBA made the right decision on this, as this was a difficult and unusual request. It is a small parcel and it would have been an intense use on a small parcel.

Mr. Brewer made a **motion to amend** seconded by Mr. Provenzano on Petition #05-48 to **continue with the approval of the variation but also to approve a Conditional Use with the following conditions:**

- 1) The Conditional Use will terminate 10 years from the date of approval;
- 2) No employees be allowed other than the property owners on the property in question;
- 3) No outdoor storage of any commercial vehicles or equipment be allowed;
- 4) Indoor storage of commercial vehicles and equipment owned or leased by the property owner shall be limited to the 45' x 30' building in the southwest corner of the property;
- 5) Building permit for the accessory structure will be required and that will be onto the 45' x 30' building on the southwest corner of the property.

Mr. Brewer said he spoke with the attorney on this and the property was purchased in 2003 and it was an illegally formed piece of property out of a 40 acre parcel. It had one structure on it. While the property owner does not run his business out of this facility, he would like to be able to store his equipment inside the building and that is why he is looking for the Conditional Use. Ms. Ehardt said the property owner is compliant right now; the building was permitted as an AG use building. The reason they requested the conditional use was in order to be able to use it for something other than AG use. If the Conditional Use is not granted they're limited to the use of the structure to AG.

Chairman Koehler asked for a roll call vote on the motion to amend. The following members responded aye: Miller, Moy, Provenzano, Wheeler, Brewer, Draffkorn, Dvorak, Hammerand, Heisler and Larson. Nay votes: Orphal, Peschke, Shea, Chmiel, Gilman, Hill, Hobson, Jung, Merkel and Koehler. Absent: Munaretto, Salgado, Zierer and Klasen. The vote being ten (10) ayes and ten (10) nays noting four (4) absent, Chairman Koehler declared the **motion to amend has failed**.

Chairman Koehler asked if there was any discussion on the main motion. Noting none, he asked for a **roll call vote on the main motion to approve the variations and deny the conditional use on Petition #05-48**.

The following members voted aye: Miller, Moy, Orphal, Peschke, Provenzano, Shea, Wheeler, Brewer, Chmiel, Draffkorn, Dvorak, Gilman, Hammerand, Heisler, Hill, Hobson, Jung, Larson, Merkel and Koehler. Absent: Munaretto, Salgado, Zierer and Klasen. The vote being twenty (20) aye votes, noting four (4) absent, Chairman Koehler declared the motion passed.

PLATS

Ms. Gilman made a motion seconded by Ms. Wheeler to approve the following Final Subdivision Plan:

Whiskey Creek – Coral Twp.; Final Subdivision Plat

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

PUBLIC PARTICIPATION

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

Scott Reiner of Crystal Lake	against	rezoning on Rt. 176
Aaron Hocking of Crystal Lake	against	rezoning on Rt. 176
Carolyn Hocking of Crystal Lake	against	rezoning on Rt. 176
Susan Kostner of Crystal Lake	against	rezoning on Rt. 176
Marge Webb of Prairie Grove	against	rezoning on Rt. 176
Susan Racansky of Crystal Lake	against	rezoning on Rt. 176
Lori McConville of Crystal Lake	against	rezoning on Rt. 176
Marc Winnig of Crystal Lake	against	rezoning on Rt. 176
Timothy Yantis of Crystal Lake	against	rezoning on Rt. 176

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

APPOINTMENTS

None

ROUTINE CONSENT AGENDA

Chairman Koehler asked if any one wished to remove an item from the agenda. Other than the 14.2 G(1) which was moved up on the agenda, no one removed anything from the agenda.

Mr. Merkel made a motion seconded by Mr. Shea to approve the Routine Consent Agenda. Chairman Koehler asked for a roll call vote. The following members responded aye: Miller, Moy, Orphal, Peschke, Provenzano, Shea, Wheeler, Brewer, Chmiel, Draffkorn, Dvorak, Gilman, Hammerand, Heisler, Hill, Hobson, Jung, Klasen, Larson, Merkel and Koehler. Absent: Munaretto, Salgado and Zierer. The vote being twenty-one (21) aye votes, noting three (3) absent, Chairman Koehler declared the motion passed.

ORDINANCES

For Review:

*Ordinance adopting the establishment of an altered speed zone*

*Ordinance amending Article X, School Developer Donation Requirements of the McHenry County Subdivision Ordinance to include the annual "CPI" adjustment and amending Section 1003.1 Fair Market Value*

Ms. Gilman commented regarding the amendment to Article X a revised graph has been placed on the desks. This is a revised page from the last page on the ordinance; there is a slight change in the formulas on the last page.

For Action:

**McHenry County False Alarm Ordinance**

Mr. Brewer made a motion seconded by Mr. Merkel to approve the above-named Ordinance.

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

**Ordinance – Recertification of Zoning Maps**

Ms. Gilman made a motion seconded by Mr. Larson to approve the above-named Ordinance. The zoning maps are in the room for review and are to be effective nunc pro tunc as of February 1, 2006.

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

ADMINISTRATOR'S REPORT

Mr. Austin said only three board members have turned in their county administrator evaluations and asked that the rest of the board members get them turned in by the end of the month. Secondly, Mr. Austin said he was at the MCEDC Board of Directors meeting this morning and Ms. Patel informed him that there are about 125 people signed up for Saturday mornings workshop on Imagine McHenry County. Thirdly, he stated that a group of staff members along with IT are looking at the county's web page and seeing how they can make it more user friendly. Mr. Austin said that MCCOG (McHenry County Council of Governments) has offered to take over the county surplus property auction. It is set for September 16<sup>th</sup>. Lastly, he said that at the department head meeting on Friday a significant amount of time will be spent reviewing the draft personnel manual.

EXECUTIVE SESSION

NONE

MEMBER'S COMMENTS

Chairman Koehler commented that Ms. Salgado is not here tonight awaiting the birth of her second child. He also noted that Mr. Sarbaugh will be out of town for seven days.

Mr. Brewer told the board that Friday night starting at 6 p.m. to 6 a.m. at the Jacobs High School in Crystal Lake there will be a Relay Walk for Life for Cancer Victims/Survivors.

Ms. Peschke told the board that the Woodstock Food Pantry has found storage for their very large donation of food. Graciously, the City of Woodstock is allowing them to use the basement of the City Hall.

ADJOURNMENT

Ms. Miller made a motion seconded by Mr. Hammerand to adjourn at 8:10 p.m. Chairman Koehler declared the motion passed on a unanimous voice vote.

Dated and approved at Woodstock, Illinois this 6<sup>th</sup> day of June, A.D., 2006.

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

ATTEST:

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