

MCHENRY COUNTY BOARD  
MINUTES OF THE REGULAR SESSION MEETING  
JULY 15, 2008

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

|                                                                                           |                                                                                        |                                                                                          |
|-------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------|
| <b>District 1</b><br>Yvonne M. Barnes<br>Marc Munaretto<br>Anna May Miller<br>Dan Shea    | <b>District 2</b><br>Marie M. Chmiel<br>James Heisler<br>Kenneth Koehler<br>Lyn Orphal | <b>District 3</b><br>Ed Dvorak<br>Mary L Donner<br>Nick Provenzano<br>Barbara Wheeler    |
| <b>District 4</b><br>Sue Draffkorn<br>John Hammerand<br>Pete Merkel<br>Sandra Fay Salgado | <b>District 5</b><br>John Jung Jr.<br>James P Kennedy<br>Virginia Peschke<br>Tina Hill | <b>District 6</b><br>Randall Donley<br>Mary T McCann<br>Daniel P Ryan<br>Mary Lou Zierer |

The Honorable County Board of McHenry County, Illinois met in Regular Session on Tuesday, July 15, 2008.

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. Hill gave the invocation/personal remarks.

ROLL CALL

The roll was called by County Clerk Katherine C Schultz. The following members responded: Miller, Munaretto, Orphal, Provenzano, Ryan, Salgado, Shea, Wheeler, Zierer, Barnes, Chmiel, Donley, Draffkorn, Dvorak, Hammerand, Heisler, Hill, Kennedy, McCann and Koehler. Absent: Merkel, Peschke, Donner and Jung. Chairman Koehler declared a quorum present with twenty (20) members responding. Mr. Jung and Ms. Donner arrived after the roll was taken.

MINUTES

Mr. Shea made a motion seconded by Mr. Ryan to approve County Board Regular Session minutes from June 17 and July 1, 2008. Chairman Koehler asked if there were any changes or corrections, there were none. Chairman Koehler asked for a voice vote, the ayes having it, Chairman Koehler declared the motion passed.

CHAIRMAN'S REMARKS

Chairman Koehler said Ms. Donner is not here because her daughter was thrown from a horse. She might be in later depending on how her daughter is doing.

SPECIAL RECOGNITION/REPORTS

Chairman Koehler asked Bonnie Leahy to come forward. He presented Ms. Leahy with a plaque from the county commending her for her service with the MCCD. Ms. Leahy thanked everyone for their support.

Mr. Heisler made a motion seconded by Ms. Orphal to approve the following Eagle Scout recognition:

|                                   |            |
|-----------------------------------|------------|
| Michael Van Dorpe of Crystal Lake | Troop #158 |
| Spencer Wilson of Crystal Lake    | Troop #158 |

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

SPECIAL PRESENTATIONS

*Real Estate assessment/appeal process* – Donna Mayberry

Chairman Koehler said during the presentation questions will be allowed from the County Board. After the presentation he will allow some questions from the audience, Mr. Austin will bring a microphone to individuals. He cautioned visitors that questions must be about the process only not an individual property. Chairman Koehler added that 30 minutes has been allotted for this presentation.

Ms. Mayberry gave a power point presentation along with a handout to the public on the steps in the appeal process on a property assessment. She noted before starting that she never defends the property tax code, she didn't write it but she has to abide by it and she has learned to respect it over the 30 years that she has worked with it. Because this is all by statute her office and the township assessors have very little discretion over what they do as it is

pretty much spelled out for them and they have to follow the law. The only way for them to change what they do is if the law changes, which is done at the state level. Chairman Koehler said that the public can contact their state representatives to address this problem. Ms. Mayberry said when taxpayers call about their assessment she always asks if two years ago was their assessment at one-third of the then current market, and most of the time they say no and that's because of the averaging process. It slowed things down so that we didn't have people's assessment ballooning way up. She said there was a re-assessment done and found that some properties were under assessed for some time and they did increase.

Chairman Koehler asked for any questions from the board after the presentation. Mr. Munaretto asked if there was ever a circumstance in which the equalization rate factor could be less than one (1). Ms. Mayberry said yes and it could happen in the next couple of years. She said in June of 1979 the market fell apart with double digit interest rates and nothing was selling so as a result the second half of 1979 everything died and in 1981 and 1982 there were many negative multipliers handed out to some townships. Mr. Munaretto said that if we were to take this one step above the process and apply it to the fiscal component of County government that there is a likelihood in some period over the next three years that the County's equalized assessed valuation could decline and property tax revenues that the County collects which is based on EAV could also decline along with it. Ms. Mayberry said yes that could happen as early as next year. Noting no other board members with questions, Chairman Koehler said that a few questions could be taken from the public.

Some questions from the public included what they might expect in the next three (3) years with the 2008 sales market being so bad and if foreclosures are factored into the sales data that is used.

Ms. Mayberry said that if you drop out 2005 which was a good year, and you have a serious drop in 2008, which is what it appears we are having, then it is going to effect the 2009 assessments which are payable in 2010 which she believes will be down. Ms. Mayberry said we have to keep in mind that in 2006 we saw a decline in the number of transactions but not really a decline in sales prices. The first part of 2007 was almost identical to 2006, but the last 3 months of 2007 was bad and it hit McHenry County later than it hit other places. Ms. Mayberry said we have to keep in mind that new construction does not figure into the calculation factor it has to be existing property. The reason for that is that if it is new construction it did not have an assessment last year. In regard to foreclosures being factored in, Ms. Mayberry said no they are not arms length transactions they are short sales. Short sales are when the lender agrees to take less than what is owed on the property and that is done in lieu of foreclosure and we don't use those sales, they come out of the mix. Ms. Mayberry said cautiously that the only sales that go into the sales ratio study are arms length transactions, all other sales are taken out of the study. She went on to explain a little bit about the tax cap. Ms. Wheeler asked if it was state statute that short sales don't go into your records and as of the data. Ms. Mayberry said yes, an arm's length sale is that there are no pressures on the seller or the buyer and a short sale is usually a situation where the people can't pay the mortgage or it's going into foreclosure, they've got to get rid of it. Mr. Hammerand asked if it was true that the taxes of the county as a whole will not go down unless the levies of the taxing bodies are reduced. Ms. Mayberry said that depends on the CPI which allows the county to deal with inflation. Mr. Hammerand said that the only way to reduce the amount of money that is extracted from the population is by reducing the levies that are levied every year, Ms. Mayberry agreed.

Chairman Koehler told everyone they should read the brochure that was handed out and if there are any questions you can call the Assessments office, the phone number is on the back of the brochure. He reminded people to pay attention to the dates on the brochure because if an appeal is going to be filed there is a time frame in which it can be done.

#### ZBA CONSENT AGENDA

Chairman Koehler asked if any petitions needed to be removed, there were none.

Ms. Wheeler made a motion seconded by Mr. Heisler to approve the following ZBA petitions:

- Exb. #08-20; Dunham Twp; William/Corinne Orr; reclass of A1 to A1V
- Exb. #08-22; Hartland Twp; Thomas/Linda Pruden; reclass of A1 to B3
- Exb. #08-23; Grafton Twp; Ronald/Judith Renkiewicz; reclass of E1 to E1V
- Exb. #08-29; Hartland Twp; Robert/Rebecca McDaniel; reclass of B2V to B2V
- Exb. #08-32; Seneca Twp; Talidia Trust; reclass of A1 to A2
- Exb. #08-35; McHenry Twp; Robert Heuck Trust; reclass of R1 to R1V
- Exb. #08-37; Algonquin Twp; Mark/Laurie Stage; reclass of R1V to R1V

Noting no discussion, Chairman Koehler asked for a roll call vote. The following members responded aye: Miller, Munaretto, Orphal, Provenzano, Ryan, Salgado, Shea, Wheeler, Zierer, Barnes, Chmiel, Donley, Draffkorn, Dvorak, Hammerand, Heisler, Hill, Jung, Kennedy, McCann and Koehler. Absent: Merkel, Peschke and Donner. The vote being twenty-one (21) ayes noting three (3) absent, Chairman Koehler declared the motion passed.

ZBA REGULAR AGENDA

With no recommendation from the ZBA, Ms. Wheeler made a motion seconded by Mr. Jung to approve the following Petition:

Exb. #06-55; Richmond Twp; Vogel/Garrelts; reclass of A1 to E2

Chairman Koehler asked for a roll call vote. The following members responded aye: Miller, Munaretto, Orphal, Provenzano, Ryan, Salgado, Shea, Wheeler, Zierer, Barnes, Chmiel, Donley, Draffkorn, Dvorak, Hammerand, Heisler, Hill, Jung, Kennedy, McCann and Koehler. Absent: Merkel, Peschke and Donner. The vote being twenty-one (21) ayes noting three (3) absent, Chairman Koehler declared the motion to approve passed.

Ms. Wheeler made a motion seconded by Mr. Ryan to DENY the following Petition, noting that this is a McHenry County Hearing Officer recommendation for denial forcing a  $\frac{3}{4}$  vote of the County Board.

Exb. #07-88; Algonquin Twp; Joanne/Dennis Sandblom; reclass of E2 to E2V

Chairman Koehler asked for any discussion on the motion to DENY, there was none. He noted that a YES vote was to deny the petition.

Chairman Koehler asked for a roll call vote. The following members responded aye: Munaretto, Orphal, Provenzano, Ryan, Salgado, Shea, Wheeler, Zierer, Barnes, Chmiel, Draffkorn, Dvorak, Hammerand, Heisler, Hill, Jung, Kennedy, McCann and Koehler. Nay: Miller and Donley. Absent: Merkel, Peschke and Donner. The vote being nineteen (19) ayes and two (2) nay noting three (3) absent, Chairman Koehler declared the motion to DENY passed.

With no recommendation from the ZBA, Ms. Wheeler made a motion seconded by Ms. Zierer to approve the first part of the following Petition:

Exb. #07-96; Coral Twp; James/Amy McConnell; reclass of A1 to A1C for Landscape business commercial storage sign

Noting no discussion, Chairman Koehler asked for a roll call vote on the motion to approve the Landscape business. The following members responded aye: Miller, Munaretto, Orphal, Provenzano, Ryan, Salgado, Shea, Wheeler, Zierer, Barnes, Chmiel, Donley, Draffkorn, Dvorak, Hammerand, Heisler, Hill, Jung, McCann and Koehler. Nay: Kennedy. Absent: Merkel, Peschke and Donner. The vote being twenty (20) ayes and one (1) nay noting three (3) absent, Chairman Koehler declared the motion to approve the Landscape business passed.

Ms. Wheeler made a motion seconded by Ms. McCann to DENY the second part of the following Petition as recommended by the ZBA:

Exb. #07-96; Coral Twp; James/Amy McConnell; A1 to A1C for auto repair business

Chairman Koehler asked for any discussion on the motion to DENY, there was none. He noted that a YES vote was to deny the request for an auto repair business as part of this petition.

Chairman Koehler asked for a roll call vote. The following members responded aye: Miller, Munaretto, Orphal, Ryan, Salgado, Shea, Wheeler, Zierer, Barnes, Chmiel, Draffkorn, Dvorak, Hill, Jung, Kennedy, McCann and Koehler. Nay: Provenzano, Donley, Hammerand and Heisler. Absent: Merkel, Peschke and Donner. The vote being seventeen (17) ayes and four (4) nay noting three (3) absent, Chairman Koehler declared the motion to DENY the auto repair business has passed.

With no recommendation from the ZBA, Ms. Wheeler made a motion seconded by Mr. Munaretto to approve the following Petition:

Exb. #08-31; Seneca Twp; 1940 LLC; reclass of A1 to E5

Chairman Koehler said that Seneca Township filed an objection to this petition but it was not filed on time to require a  $\frac{3}{4}$  vote for the objection. He did note that a simple majority vote (13 yes votes) was required to approve this petition.

Chairman Koehler asked for any discussion. Ms. McCann said in looking over this packet it is incomplete as there is no report from the soil and water conservation (no NRI report) included.

Ms. McCann made a **motion** seconded by Ms. Barnes **to table the vote on this petition until August 19<sup>th</sup>** so that a NRI report can be obtained and reviewed by the County Board.

Mr. Munaretto asked for a Point of Order noting that he believed County Board rules does not allow us to table a petition. Ms. Hill had the County Board rules and read the paragraph which allows the board to postpone one (1) time if there is a majority vote to do so.

Chairman Koehler asked for any discussion on the motion to table. Several board members were against postponing this as the petitioner has fulfilled his duties with this. Mr. Kelly of the ZBA said this report was made available prior to the hearing and it was reviewed by the ZBA. It was not made part of the plan report because it was not available when the plan report was prepared.

Chairman Koehler asked for a voice vote on the motion to table, the nays having it, Chairman Koehler declared the motion denied. Ms. McCann asked for a roll call vote.

Chairman Koehler asked for a roll call vote on the motion to table. The following members responded aye: Ryan, Barnes, Donley, Hammerand and McCann. Nay: Miller, Munaretto, Orphal, Provenzano, Salgado, Shea, Wheeler, Zierer, Chmiel, Draffkorn, Dvorak, Heisler, Hill, Jung, Kennedy and Koehler. Absent: Merkel, Peschke and Donner. The vote being five (5) ayes and sixteen (16) nays noting three (3) absent, Chairman Koehler declared the **motion to table denied**.

Chairman Koehler asked for any discussion on the motion to approve Petition #08-31. Board members commented on the land conservancy and the prime farmland aspect of this property.

Chairman Koehler asked for a roll call vote noting that this will require 13 yes votes for approval. The following members responded aye: Miller, Munaretto, Orphal, Provenzano, Salgado, Wheeler, Chmiel, Draffkorn, Heisler, Hill and Koehler. Nay: Ryan, Shea, Zierer, Barnes, Donley, Dvorak, Hammerand, Jung, Kennedy and McCann. Absent: Merkel, Peschke and Donner. The vote being eleven (11) ayes and ten (10) nays, noting three (3) absent, Chairman Koehler declared the **motion to approve Petition #08-31 has failed**.

PLATS  
None

PUBLIC COMMENT

Chairman Koehler explained the rules of Public Comment. The following people spoke:

|                                  |           |                      |
|----------------------------------|-----------|----------------------|
| Kim Willis of Woodstock          | against   | Petition #08-31      |
| Raymond Kirsteins of Wonder Lake | against   | Assessments/SSA's    |
| Bob Anderson of Wonder Lake      | regarding | Property assessments |
| Leadis Stanton of Johnsburg      | regarding | taxes                |
| Ed Okpisz of Wonder Lake         | regarding | Assessments          |
| Brian McCafferty of Wonder Lake  | against   | Assessments          |
| John Berry of Marengo            | against   | Conservation Plan    |

Noting no other people wishing to speak, Chairman Koehler closed the Public Comment part of the meeting.

NEW AND UNFINISHED BUSINESS

None

APPOINTMENTS

None

STANDING COMMITTEE CHAIRMAN UPDATE

Mr. Jung said the Planning Commission voted to send the revised draft copy of the Water Resource chapter and Open Space chapter to P & D for their review and input. At their next meeting they will finish off the Agricultural chapter and begin discussion on the Economic chapter. The meeting has been changed from July 24<sup>th</sup> to July 31<sup>st</sup>.

Ms. Wheeler congratulated Ms. Leahy on her leadership and continual effort in improving the cooperation and collaborative work with MCCD and the municipalities, especially Marengo and Union.

Ms. Hill asked for clarification before getting to the Consent Agenda on the insurance broker resolution and why the lowest bidder was not used. Ms. Hill said there were individual interviews and more went into it than just the amount.

Mr. Labaj said that this is not a bid situation it's a bid for qualification of service and you go by which vendor that you feel is the most qualified. Price is only one of the factors taken into that.

Ms. Zierer announced that we have a new Administrator at Valley Hi. He started yesterday and his name is Robert Yearian.

#### ROUTINE CONSENT AGENDA

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

Chairman Koehler asked for a roll call vote. The following members responded aye: Miller, Munaretto, Orphal, Provenzano, Ryan, Salgado, Shea, Wheeler, Zierer, Barnes, Chmiel, Donley, Donner, Draffkorn, Dvorak, Hammerand, Heisler, Hill, Jung, Kennedy, McCann and Koehler. Absent: Merkel and Peschke. The vote being twenty-two (22) ayes noting two (2) absent, Chairman Koehler declared the motion passed.

#### ORDINANCES

None

#### ADMINISTRATOR'S REPORT

Mr. Austin said he passed out a written report that has not been proofread. Give him a call if there are any questions. He thanked Mr. Sarbaugh and Mr. Labaj and others who stayed late on Friday when we had a power outage here in Woodstock. We were without power from about 10:30 a.m. into the afternoon. The decision was ultimately made to shut the buildings down at 2 p.m. because offices could not operate without power. Staff did stay and answer phones until the end of the day.

Ms. Donner wanted to comment before executive session in case anyone left that her daughter is o.k. and is home and resting.

Ms. McCann asked to comment now for the same reason saying thank you to Ms. Mayberry for her help with several of her constituents who needed help in clarifying their tax bill.

Mr. Provenzano thanked all of the township officials for coming out tonight and Ms. Mayberry for her presentation.

#### EXECUTIVE SESSION

Chairman Koehler said there was need to go into executive session to discuss Pending Litigation.

Ms. Donner made a motion seconded by Mr. Kennedy to go into executive session.

Executive Session ran from 8:45 p.m. to 9:10 p.m.

Ms. Orphal 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: Miller, Munaretto, Orphal, Provenzano, Ryan, Salgado, Shea, Wheeler, Zierer, Barnes, Chmiel, Donley, Donner, Draffkorn, Dvorak, Hammerand, Heisler, Hill, Jung, Kennedy, McCann and Koehler. Absent: Merkel and Peschke. The vote being twenty-two (22) ayes noting two (2) absent, Chairman Koehler declared the motion passed.

Chairman Koehler stated no action was taken in Executive Session.

#### COMMUNICATIONS

None

#### COMMENTS

Mr. Hammerand said he attended an IMRF seminar earlier today and it was very interesting. He suggested if anyone had an opportunity to attend one of these, they should.

Ms. McCann said that the Treasurer was going to be holding informational workshops at MCC and recommended people attend.

McHenry County Clerk Regular Session  
Tuesday July 15, 2008  
Page: 6

Chairman Koehler thanked Ms. Mayberry for her presentation which was very well done and noted that the brochure that was handed out is very easy to read and understand. Ms. Mayberry said she is expecting a record number of appeals. If anyone knows of anyone interested in being an Alternate on the Board of Review, please have them contact her by tomorrow so that they can sit for the IRS exam on Thursday. Presently there are only four people registered to take the test. You would only have to serve a few times a year.

ADJOURNMENT

Mr. Heisler made a motion seconded by Ms. Orphal to adjourn at 9:15 p.m. Chairman Koehler declared the motion passed on a unanimous voice vote.

Dated and approved at Woodstock, Illinois this 5<sup>th</sup> day of August, A.D., 2008.

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

ATTEST:

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