

MCHENRY COUNTY BOARD  
MINUTES OF THE REGULAR SESSION MEETING  
SEPTEMBER 16, 2008

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

<b>District 1</b> Yvonne M. Barnes 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 Mary L Donner Nick Provenzano Barbara Wheeler
<b>District 4</b> Sue Draffkorn John Hammerand Pete Merkel Sandra Fay Salgado	<b>District 5</b> John Jung Jr. James P Kennedy Virginia Peschke Tina Hill	<b>District 6</b> Randall Donley Mary T McCann Daniel P Ryan Mary Lou Zierer

The Honorable County Board of McHenry County, Illinois met in Regular Session on Tuesday, September 16, 2008.

Chairman Koehler called the meeting to order at 7:00 p.m. The Pledge of Allegiance to the Flag was led by Chief Deputy County Clerk Vern Paddock with Members of the Board, department heads and visitors participating. Mr. Heisler gave the invocation/personal remarks.

ROLL CALL

The roll was called by Chief Deputy County Clerk Vern Paddock. The following members responded: Peschke, Provenzano, Ryan, Salgado, Shea, Zierer, Barnes, Chmiel, Donley, Donner, Draffkorn, Dvorak, Hammerand, Heisler, Hill, Jung, Kennedy, McCann, Merkel, Munaretto and Koehler. Absent: Wheeler, Miller and Orphal. Chairman Koehler declared a quorum present with twenty-one (21) members responding. Ms. Wheeler came in after the roll was called.

MINUTES

Ms. Barnes made a motion seconded by Mr. Ryan to approve County Board Regular Session minutes from August 19<sup>th</sup>, 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, he declared the motion passed.

CHAIRMAN'S REMARKS

Chairman Koehler said he attended and helped out at the Valley Hi picnic which was well attended and enjoyed by all even on a rainy day. There was great team work in making the picnic a great success. He thanked those who attended. Also, he attended Pioneer Center's 50<sup>th</sup> Anniversary event. He congratulated them on this milestone and their service to McHenry County. Lastly, he said interviews will begin this week for the Planning and Development Director's position.

SPECIAL RECOGNITION/REPORTS

Mr. Merkel made a motion seconded by Ms. Draffkorn to approve the following Girl Scout Gold recognition:  
Lawrence Lange of McHenry Troop #131  
Michael Shanahan of McHenry Troop #131

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

SPECIAL PRESENTATIONS

*Federal Legislative Program Update – Trent Lehman, The Ferguson Group*

Mr. Austin re-introduced Trent Lehman to the board as it has been a while since he was last here. He said he and Mr. Lehman had talked about planting seeds for next year's transportation requests. Next year is a re-authorization year and he wants to be ready with that. This afternoon they will be meeting with Mr. Korpalski and Mr. Young at DOT to brainstorm for next year. Mr. Lehman came forward and told the board that Congress in an election year has not done many of the things that it normally does and little progress has been made on many fronts. He said the big highway re-authorization bill expires September 30<sup>th</sup>, 2009. This bill comes up every 5-6 years and it's an opportunity to really address the transportation concerns we have here in the County and hopefully get some funding from the federal government. He gave two handouts to board members for informational purposes. Mr. Lehman said because

not much has been done it looks like Congress will be passing a continuing resolution to fund the government at levels of fiscal year 2008 and there are three different options that are up for consideration. One to do a resolution that runs through November, after the elections; one that runs to December; and the one getting the most consideration at this point is one that runs until February after a new president is elected. He said there is a possibility that there may be a lame duck session after the election to work on a few things, but it's up in the air right now. Mr. Lehman said McHenry County has many projects being considered, one of the things is \$500,000 that Congresswoman Bean has requested for the Public Safety Redundant Communication Dispatch System. Many of the other bills have not come to the floor yet and are yet to be determined. He said he believes that the things McHenry County is looking for are safe as they are all things that the federal government has a role in partnership with local communities. Chairman Koehler thanked Mr. Lehman for his update.

*Update on Leaf Burning Alternatives – McHenry County Health Department*

Mr. McNulty said this spring the board passed new restrictive regulations on open burning that will improve the air quality for all residents of McHenry County. He said this first year will be a tough year but it should improve as people become more familiar with it. Patti Nomm from the Health Department came forward and did a power point presentation for the board as well as passing out 2 handouts. She said their focus in the spring was to educate the residents on what the requirements are. That was done by putting out roadside signs that had flyers attached to them with the ordinance summarized for them; they did neighborhood canvassing in some of the areas densely populated; and they had staff talk with individuals and if they found violations they gave them information and they handed out many flyers. The largest handout was a flyer that went in with the tax bills that went out which went to over 140,000 residents. The last thing they have tried to do is provide a web page where people can go to get information on requirements, alternatives and links to other agencies and organizations that can help them. During the summer months Ms. Nomm said they tried to identify alternative methods for residents. They met with municipalities to see if any of them could bring their services out to adjoining unincorporated areas, and that was not a success. They've met with the waste haulers to better understand what some of their impediments are to providing the services to our residents. The Health Department has identified waste haulers that are interested in providing some services for landscape waste pickup in addition to just the requirement to provide it to their regular customers. This information is on a link on the web so residents can find numbers and make phone calls. Ms. Nomm said they visited the Fox Lake Thelan Compost site, the largest compost site in the state, and tried to better determine what options are available for residents there. Residents can do drop off of landscape waste there and it is economical. It's about \$1 a bag or about \$18 for a pick up load. Ms. Nomm said they also contacted about 50 landscapers and about 10 of them that will come out and do fall clean up for residents without having an annual contract and one of them will come out and actually just haul leaves away. They have also been trying to contact service groups to try and facilitate assistance for residents and they are trying to identify some farmers that may accept landscape waste on a larger scale. Ms. Nomm said the information on the website is kept updated for residents. She did clarify for board members that the Health Department is not telling people to cut down their trees! In regard to enforcement of the ordinance, Ms. Nomm said they will be trying to provide timely and consistent responses not only from their staff but also in cooperation with their partner agencies. They are also working on a contractual position with her department for October and November to provide after hours and weekend responses, and there has been some interest with local off duty police officers and fire personnel, so that looks promising. She said there is an established procedure for responses; they maintain a data base and the first situation is a warning, second response is a notice of violation and the third would be legal action for an ordinance violation. Their partner agencies have the ability to issue tickets and do separate or additional enforcement action as they need to, also. Ms. Nomm said if board members receive concerns from constituents they can contact her direct and she'd be happy to help.

ZBA CONSENT AGENDA

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

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

- Exb. #08-17; McHenry Twp; Janice Schlottman; reclass R1 to R1V
- Exb. #08-26; McHenry Twp; Jeanne Warner; reclass R1 to R1V
- Exb. #08-38; Seneca Twp; Singleton Trust; reclass A1 to A1V
- Exb. #08-40; Grafton Twp; Halat Trust; reclass A1C to A1CV
- Exb. #08-46; Chemung Twp; Chester Kenney; reclass A1 to A1V
- Exb. #08-47; Dunham Twp; Brian Jenkner; reclass A1 to A2

Noting no discussion, Chairman Koehler asked for a roll call vote. The following members responded aye: Peschke, Ryan, Salgado, Shea, Wheeler, Zierer, Barnes, Chmiel, Donley, Donner, Draffkorn, Dvorak, Hammerand, Heisler,

Hill, Jung, Kennedy, McCann, Merkel, Munaretto and Koehler. Absent: Provenzano, Miller and Orphal. The vote being twenty-one (21) ayes noting three (3) absent, Chairman Koehler declared the motion passed. Mr. Provenzano had stepped out of the room.

ZBA REGULAR AGENDA

None

PLATS

None

PUBLIC COMMENT

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

Dan Hunt of McHenry	against	ICC towing agreement
Tim Odom of Wonder Lake	against	ICC towing agreement
J Fascih of McHenry	against	ICC towing agreement

Noting no one else wishing to speak, Chairman Koehler closed this part of the meeting.

NEW AND UNFINISHED BUSINESS

None

APPOINTMENTS

Mr. Provenzano made a motion seconded by Ms. Barnes to approve the following Appointment:

McHenry County Emergency Telephone System Board  
Sgt Geoffrey Cooker term to expire 11/30/2010

Mr. Provenzano clarified that the McHenry County ETSB has an arm's length relationship to the County Board and each municipality that participates in that has the opportunity to recommend their own representative.

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

STANDING COMMITTEE CHAIRMAN UPDATES

Mr. Jung said the 2030 Plan Commission continues to discuss the AG chapter and at the next meeting they will go back into the Economic Development chapter. Houseal Lavigne & Associates came to their last meeting to discuss their role in the process of technical writer and the scope of their responsibilities with the commission and they were well received by the commission. These are the professional writers that will be hired to bring the plan together and come up with an impartial document that is readable and understandable to the public.

Mr. Provenzano said there has been much discussion over the last several weeks related to the ICC oversight of towing in McHenry County. To clarify, the safety towing, which is when your car breaks down and you call a tow truck, was never part of any of our plans to be regulated in McHenry County. The IL State Legislature had decided to add a few words in the original safety law that got passed in July, which had wording that said if you were an ICC regulated County you were automatically included into this statute. He said our state legislators are against this and he has had several meetings with them and they are working to introduce a bill as quickly as they can that would allow us as a County to opt out of specifically the safety towing aspects of the ICC oversight and that would solve that aspect completely. They are also looking into working with the ICC to put a moratorium on any of the state requirements that are related to the safety towing so that we could get some of this legislation through. He said we don't see anything happening before November but we are going to try and get some kind of moratorium through the ICC.

Ms. Wheeler said there is a Planning and Development meeting on September 25<sup>th</sup> at 8:30 and also on October 2<sup>nd</sup> at 8:30. They will be conducting ZBA interviews at that meeting.

Mr. Shea responded to Mr. Provenzano's comments saying he feels that we should be prepared to rescind our agreement with the ICC in case none of this goes through. Also, Mr. Shea noted that tomorrow at Transportation

they are having a presentation on the Randall Road improvements and an informational meeting on Tuesday, September 23<sup>rd</sup> from 4-7 p.m. at Crystal Lake South.

#### ROUTINE CONSENT AGENDA

Chairman Koehler asked if anyone wished to remove an item from the Consent Agenda. Mr. Munaretto asked to remove item 15.2 B(3); Ms. Peschke asked to remove 15.2 B(5) and 15.2 B(4) and noted she would be abstaining from voting on 15.2 B(4) because she receives a per diem.

Mr. Shea made a motion seconded by Mr. Ryan to approve the Routine Consent Agenda with three items removed.

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

*15.2 B(3) Resolution authorizing the Treasurer to release General Fund Reserves for the purchase of land (Klehm property)*

Mr. Munaretto made a motion seconded by Ms. Donner to approve the above-named resolution noting that a corrected copy of the resolution with a change in some language had been placed on everyone's desk.

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

*15.2 B(4) Resolution authorizing approval of appointment of members to an expanded Board of Review for Assessment FY 08.*

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

Ms. Peschke noted that she would be abstaining from the vote because she receives a per diem.

Chairman Koehler asked for a roll call vote. The following members responded aye: Provenzano, Ryan, Salgado, Shea, Wheeler, Zierer, Barnes, Chmiel, Donley, Donner, Draffkorn, Dvorak, Hammerand, Heisler, Hill, Jung, Kennedy, McCann, Merkel, Munaretto and Koehler. Abstain: Peschke. Absent: Miller and Orphal. The vote being twenty-one (21) ayes and one (1) abstention, noting two (2) absent, Chairman Koehler declared the motion passed.

*15.2 B(5) Resolution authorizing an agreement with Houseal Lavigne & Associates for technical writing services and a budget line item transfer in the FY 08 budget.*

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

Chairman Koehler asked for any discussion.

Ms. Peschke asked in Section 2, Scope of Work, line 4, it alludes to the unadopted 2020 Comprehensive Plan. Are we talking about the Commission Plan or the Staff Plan? There was no answer to this so she made a motion.

Ms. Peschke made a **motion to amend** seconded by Ms. Salgado to add the following wording:

"review the unadopted Commission version of the 2020 Comprehensive Plan"

Chairman Koehler asked for any discussion on the motion to amend.

Ms. Peschke felt this needed to be clarified because they are two different documents. Mr. Munaretto disagreed because the Commission Plan was not adopted and there were strong sentiments with respect to how that plan was formed and the contents of it. He felt the staff version was more palatable if they had to have any version. Ms. Wheeler responded that it is her understanding that they have both plans. It was asked if it was up to the writers to pick and choose what fits. Chairman Koehler said they will be working on the new plan not the old. Ms. Wanaski said that all of this is on the website and they have looked at them. They have not been "given" either of the plans or any documents from her office other than the affordable housing survey; but they do know there was a substantial amount of work by the previous consultant regarding the history of planning in the county, soil and land formations, the history of the glaciers and how things were left, general information that does not need to be redone because it will not change. Right now they are in the process of forming a list of things that they need regarding resources that the Commission has referred to in their reports.

Ms. Chmiel made a **motion to amend the amendment** seconded by Ms. Wheeler to add the following wording:  
"review **both** the unadopted Regional Planning Commission Plan and the unadopted Staff Plan"

Chairman Koehler asked for any discussion on the motion to amend the amendment.  
Noting none, Chairman Koehler asked for a voice vote on the motion to amend the amendment, the ayes having it,  
Chairman Koehler declared the **motion to amend the amendment has passed.**

Chairman Koehler asked for any other discussion on Ms. Peschke's motion to amend as amended.  
Noting none, Chairman Koehler asked for a voice vote on the motion to amend as amended, the ayes having it,  
Chairman Koehler declared the **motion to amend as amended has passed.**

Chairman Koehler asked if there was any other discussion on the motion to approve the resolution as amended.  
There was extensive discussion about what should be listed as optional tasks and the costs as well as sub-  
committees being a part of the interviews. Chairman Koehler said he thought that what we were looking for was  
brought forward in the form of a contract. Ms. Peschke questioned several areas of the contract if they were  
discussed and they might happen.

Ms. Peschke made a **motion to amend** seconded by Ms. McCann to **remove/add language to the following:**

4a take out as an optional task and say "should the County and Plan Commission desire the draft will be  
presented to the Plan Commission for consideration"

2b strike the whole first part about why we were doing it and say "should the County and Plan Commission  
desire we will conduct face to face interview with the members of each original sub-committee."

Chairman Koehler asked for any discussion on the motion to amend. Mr. Munaretto said the appropriate time to have  
had this discussion was at the committee level and he proposed that we send this back to the committee so that all of  
the members will have an opportunity there to provide whatever input they would like to give.

Ms. McCann made a motion to remove changes motioned for in 4a.

Chairman Koehler said counsel has advised that the board needs to vote on the motion already on the floor then if  
motioner would like she can make another amendment. Chairman Koehler also noted that any contract that the  
County engages in is reviewed by the State's Attorney's office first.

Chairman Koehler asked for a voice vote on the motion to amend language in 2b and 4a, the nays having it, he  
declared the **motion to amend has failed.**

Chairman Koehler asked for any other discussion on the main motion.

Ms. Barnes made a **motion to table this to October 7<sup>th</sup>** seconded by Ms. McCann.

Chairman Koehler asked for any discussion on the motion to table. Ms. Barnes said based on the many concerns  
with this, she feels it should be reviewed further as many questions have not been answered. Other board members  
said issues have been talked about at the joint meeting between Finance and Planning and Development  
Committees.

Mr. Munaretto noted that there is an interaction between the people at Houseal Lavigne and the Regional Planning  
Commission that will allow for certain optional events to occur that we can't say how they will be until there is an  
opportunity for those writing the plan to get started and have a basis for the path they may choose to follow.

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

Mr. Hammerand made a motion to return this to committee on September 25<sup>th</sup> for further discussion.  
Counsel said this is essentially the same as tabling which was just voted on, so this is out of order.

Chairman Koehler asked for any further discussion on the main motion. Noting none, he asked for a roll call vote.  
The following members responded aye: Provenzano, Shea, Wheeler, Chmiel, Donley, Donner, Draffkorn, Dvorak,  
Hill, Jung, Kennedy, Merkel, Munaretto and Koehler. Nay: Peschke, Ryan, Salgado, Zierer, Barnes, Hammerand,  
Heisler and McCann. Absent: Miller and Orphal. The vote being fourteen (14) ayes and eight (8) nays, Chairman  
Koehler declared the motion to approve 15.2 B(5) as amended has passed.

#### ORDINANCES

For Action: Ordinance- Recertification of Zoning Maps

Ms. Wheeler made a motion seconded by Ms. Peschke to approve the Recertification of Township Zoning Maps nunc pro tunc as of February 1, 2008. She noted that the maps are in the room for review.

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

#### ADMINISTRATOR'S REPORT

Mr. Austin said that the MCEDC has contracted with a firm to do a feasibility and repositioning and strategic planning endeavor and they will be wrapping that up towards the end of October. Mr. Sarbaugh distributed a revised budget schedule, we're now at a schedule that we can hit and move forward. Mr. Labaj commented on the Gypsy Moth problem within the County. Mr. Austin hoped everyone saw the article in the Sunday paper on our water resource management activities. The 3D mapping kicked off on September 8<sup>th</sup> and they met yesterday with the Army Corps of Engineers and the drilling. Drilling will get started next week. Lastly he showed the board a plaque that the County received for Innovation Leadership.

#### EXECUTIVE SESSION

Chairman Koehler said there was a need to go into executive session to review executive session minutes.

Ms. Peschke made a motion seconded by Ms. Chmiel to go into Executive Session.

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

Ms. Peschke made a motion seconded by Mr. Heisler to return to Regular Session.

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

Executive Session ran from 9 p.m. to 9:13 p.m.

Chairman Koehler asked for a motion to release approved executive session minutes.

Ms. Hill made a motion seconded by Mr. Ryan to release Executive Session minutes as recommended by the State's Attorney's office and reviewed by the County Board.

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

#### COMMUNICATIONS

None

#### COMMENTS

Ms. Salgado said the safety towing issue needs to be look at. She would like more information and alternative options. Other board members agreed.

Ms. Peschke said she and Ms. Hill went to the Opera House benefit Saturday night. She gave congratulations to Mr. Heisler who came on and led the Crystal Lake Jazz Band with some big band sounds.

Ms. McCann asked about the Valley Hi supplemental and if the committees review these. Mr. Austin said committees are welcome to comment on supplemental requests but typically the Administrator's office will make recommendations of supplemental and then have a period of time to react to those recommendations. He said when the full list of supplemental is ready they will make the committee aware. Secondly, she said Valley Hi had a wonderful event on Saturday and was well organized.

Ms. Draffkorn said at the last Law and Justice Committee meeting, Mr. Provenzano was not there, they did comment that because of the ICC towing problem we are having they would like the State's Attorney and possibly an ICC

person to come out and explain things to us. Mr. Austin said this is being looked into. Chairman Koehler agreed that we need answers with the winter months upon us. Mr. Provenzano agreed and added that they are also working on talking with the ICC about the fact that in the middle of our implementation of the relocation towing they throw this on top of the process. They gave no notice to us or the towers that there is a whole hearing process that anyone who does relocation or safety towing would have to go through. There are very few people in the County who do relocation towing. The safety towing is virtually every single towing operation in the County and for the ICC to throw out a hearing process that takes 3-4 months to get through and with a deadline of September 1<sup>st</sup>, he thought it was very irresponsible. Mr. Provenzano he thinks our best bet is to put a moratorium on the ICC for enforcing that, which could be done immediately.

Mr. Shea said the information they had at the Law and Justice Committee was that even the ICC was not aware that they were going to dump this truth and towing as part of the same program.

Mr. Hammerand said he feels this ICC agreement should be revisited immediately. Also, he said he was at the Richmond Trade Fair and handed out quite a few of our burning ordinances but unfortunately most of the people were not happy about it and he feels that we should probably look at this ordinance again.

#### ADJOURNMENT

Ms. Chmiel made a motion seconded by Mr. Kennedy to adjourn at 9:28 p.m. Chairman Koehler declared the motion passed on a unanimous voice vote.

Dated and approved at Woodstock, Illinois this 7<sup>th</sup> day of October, A.D., 2008.

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

ATTEST:

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