

MCHENRY COUNTY BOARD
MINUTES OF THE REGULAR SESSION MEETING
OCTOBER 19, 2010

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

District 1 Yvonne M. Barnes Robert Bless Anna May Miller Marc Munaretto	District 2 J.S. "Scott" Breeden James Heisler Kenneth Koehler Lyn Orphal	District 3 Mary L Donner Ed Dvorak Kathleen Bergan Schmidt Barbara Wheeler
District 4 Sue Draffkorn John Hammerand Pete Merkel Sandra Fay Salgado	District 5 Tina Hill James P Kennedy Virginia Peschke Paula Yensen	District 6 Randall Donley Mary T McCann Daniel P Ryan Ersel C Schuster

The Honorable County Board of McHenry County, Illinois met in Regular Session on Tuesday, October 19, 2010.

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 Schultz with Members of the Board, department heads and visitors participating. Ms. Orphal gave the invocation/personal remarks.

ROLL CALL

The roll was called by County Clerk Katherine Schultz. The following members responded: Yensen, Barnes, Bless, Breeden, Donley, Donner, Draffkorn, Dvorak, Hammerand, Heisler, Hill, Kennedy, McCann, Merkel, Miller, Munaretto, Orphal, Ryan, Salgado, Schmidt, Schuster, Wheeler and Koehler. Absent: Peschke. Parliamentarian Jamie Rein was present. Chairman Koehler declared a quorum present with twenty-three (23) members responding.

MINUTES

Minutes of County Board Regular Session meeting of October 5, 2010

Mr. Heisler made a motion seconded by Ms. Orphal to approve County Board minutes of October 5, 2010.

Chairman Koehler asked if there were any changes/corrections to the minutes, there were none.

Chairman Koehler asked for a voice vote, the ayes having it, he declared the motion to approve County Board minutes of October 5, 2010 has passed.

CHAIRMAN'S REMARKS

Chairman Koehler told the board that Ms. Peschke is home and recuperating and should be back in the next couple of weeks. Also, he noted that the MCCOG meeting that McHenry County is hosting will be held on October 27th at 6 p.m. at Deeter's restaurant, reservations for dinner are required.

SPECIAL RECOGNITION/REPORTS

None

SPECIAL PRESENTATIONS

None

ZBA CONSENT AGENDA

Chairman Koehler asked if anyone wished to remove a petition, there were none.

Ms. Hill made a motion seconded by Ms. Yensen to approve the following Petitions:

Exb #09-55; Greenwood Twp; Clifford & Linda Sherman; reclass R1-R1C

Exb #10-11; Richmond Twp; Luna; reclass A1-A1C

Exb #10-17; Hebron Twp; Olson; reclass A2-A2V

Exb #10-20; Nunda Twp; Porten Trust; reclass A1-A1V

Exb #10-28; Coral Twp; Franks Real Property Trust; reclass A1C-A1C

Exb #10-33; Alden Twp; Giovannini Trust; reclass A1-A2

Chairman Koehler asked for any discussion. Noting none, he asked for a roll call vote. The following members responded aye: Yensen, Barnes, Bless, Breeden, Donley, Donner, Draffkorn, Dvorak, Hammerand, Heisler, Hill, Kennedy, McCann, Merkel, Miller, Munaretto, Orphal, Ryan, Salgado, Schmidt, Schuster, Wheeler and Koehler. Absent: Peschke. The vote being twenty-three (23) ayes noting one (1) absent, the Chairman declared the motion to approve the ZBA Consent Agenda has passed.

PLATS

None

PUBLIC COMMENT

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

Chris Stebbins of Woodstock	regarding	funding for Extension
Sue Palmore of Woodstock	regarding	funding for 4H Extension
Cheryl Hammerand of Wonder Lake	regarding	funding for 4H Extension
Corey Smith of McHenry	regarding	questions of Animal Control duties

Noting no others wishing to speak the Chairman closed public comment.

NEW AND UNFINISHED BUSINESS

None

APPOINTMENTS

None

STANDING COMMITTEE CHAIRMAN UPDATES

None

ROUTINE CONSENT AGENDA

Chairman Koehler asked if anyone wished to remove an item from the Consent Agenda. Ms. Barnes removed 15.2 B(2); Ms. Yensen removed 15.2 B(11); Ms. Salgado removed 15.2 F(1); and Ms. Schuster removed 15.2 H(1).

Ms. Donner made a motion seconded by Ms. Miller to approve the Routine Consent Agenda with four items removed.

Chairman Koehler asked for any discussion. Noting none, he asked for a roll call vote. The following members responded aye: Yensen, Barnes, Bless, Breeden, Donley, Donner, Draffkorn, Dvorak, Hammerand, Heisler, Hill, Kennedy, McCann, Merkel, Miller, Munaretto, Orphal, Ryan, Salgado, Schmidt, Schuster, Wheeler and Koehler. Absent: Peschke. The vote being twenty-three (23) ayes noting one (1) absent, the Chairman declared the motion to approve the Routine Consent Agenda with four items removed has passed.

15.2 B(2) *Resolution authorizing a 2010 Intergovernmental Agreement (IGA) between Fox Waterway Agency, McHenry County and McHenry County Sheriff's Department for marine patrol services*

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

Ms. Barnes made a **motion to amend** seconded by Ms. McCann to **add the following wording** to the Resolution:

Whereas, Resolution R-201006-32-149 previously adopted by the McHenry County Board on June 15, 2010 is hereby rescinded.

Chairman Koehler asked for any discussion on the motion to amend. Ms. Barnes said this is just a procedural change being made.

Noting no other discussion, Chairman Koehler asked for a voice vote on the motion to amend, the ayes having it, the **motion to amend to add the above-stated wording has passed.**

Chairman Koehler asked for any discussion on the main motion. It was asked if next year we could get this agreement approved earlier in the season. Mr. Austin responded that this year there were tougher negotiations but we should be getting another agreement shortly per the Waterway's director.

Chairman Koehler asked for any other discussion. Noting none, he asked for a roll call vote. The following members responded aye: Yensen, Barnes, Bless, Breeden, Donley, Donner, Draffkorn, Dvorak, Hammerand, Heisler, Hill, Kennedy, McCann, Merkel, Miller, Munaretto, Orphal, Ryan, Salgado, Schmidt, Schuster, Wheeler and Koehler. Absent: Peschke. The vote being twenty-three (23) ayes noting one (1) absent, the Chairman declared the **motion to approve 15.2 B(2) as amended has passed.**

15.2 B(11) *Resolution authorizing budget line item transfers in the Series 2010A Capital Projects Fund fiscal year 2009-2010 budget for the build-out of a new courtroom, holding cell and judge's chamber*
Mr. Munaretto made a motion seconded by Ms. Hill to approve the above-named resolution.

Chairman Koehler asked for any discussion. Some board members were against this as there are courtrooms that stand empty some afternoons and it seemed that courtrooms could be shared for right now. It was felt that there was not enough justification at this time to approve spending this kind of money when there seems to be alternatives available.

Noting no other discussion, Chairman Koehler asked for a roll call vote. The following members responded aye: Bless, Breeden, Donley, Donner, Draffkorn, Dvorak, Heisler, Hill, Merkel, Miller, Munaretto, Orphal, Salgado, Schmidt, Schuster and Koehler. Nay: Yensen, Barnes, Hammerand, Kennedy, McCann, Ryan and Wheeler. Absent: Peschke. The vote being sixteen (16) ayes and seven (7) nays, noting one (1) absent, the Chairman declared the motion to approve 15.2 B(11) has passed.

15.2 F(1) *Resolution setting the 2011 meeting dates for the McHenry County Board*
Ms. Schuster made a motion seconded by Ms. Hill to approve the above-named resolution.

Chairman Koehler asked for any discussion. Ms. Salgado said she has pushed for more night meetings so that the public would have more of an opportunity to attend board meetings.

Ms. Salgado made a **motion to amend** seconded by Ms. Wheeler to **change all 9 a.m. County Board meetings to 7 p.m.**

Chairman Koehler asked for any discussion on the motion to amend. Board members talked for and against having night meetings only, most saying they don't believe that more public will attend if there is a second night meeting. There were some who felt morning meetings were a barrier for the public to attend as they have to work. It was suggested that perhaps the board should go to just one p.m. meeting a month so that everything is brought forth at one meeting a month. Some members felt that would be too long of a meeting and that too much business is done within the county to only have one meeting. Mr. Hammerand said the main reason for an early meeting was for COW meetings and having discussions with staff during normal working hours. He doesn't believe we necessarily need an a.m. meeting so he proposed the following motion.

Mr. Hammerand made a **motion to amend the amendment to strike all a.m. meetings and go back to one meeting a month** as was done for years before. (Mr. Hammerand withdrew his motion for lack of a second)

Chairman Koehler told Mr. Hammerand that we have to handle the first motion to amend then we can come back to his motion.

Noting no other discussion on Ms. Salgado's motion to amend, Chairman Koehler asked for a voice vote, the nays having it noting a few ayes Chairman Koehler declared the **motion to amend to change all 9 a.m. County Board meetings to 7 p.m. has failed.**

Chairman Koehler asked Mr. Hammerand if he would like to bring forth his amendment at this time. Mr. Hammerand said no for a lack of a second. He does believe by the motion that just failed that if we are going to have two meetings they should be one in the a.m. and one in the p.m.

Chairman Koehler asked for any further discussion on the main motion. Noting none, he asked for a voice vote on the motion to approve the 2011 County Board meeting dates, the ayes having it noting one nay, Chairman Koehler declared the motion to approve 15.2 F(1) has passed.

15.2 H(1) *Resolution authorizing the approval of the McHenry County 2011 Annual Action Plan for HUD programming*

Ms. Hill made a motion seconded by Ms. Donner to approve the above-named resolution.

Chairman Koehler asked for any discussion. Ms. Schuster said she pulled this to note she is against this.

Noting no other discussion, Chairman Koehler asked for a roll call vote. The following members responded aye: Yensen, Barnes, Bless, Breeden, Donner, Draffkorn, Dvorak, Heisler, Hill, Kennedy, McCann, Merkel, Miller, Munaretto, Orphal, Ryan, Salgado, Schmidt, Wheeler and Koehler. Nay: Donley, Hammerand and Schuster. Absent: Peschke. The vote being twenty (20) ayes and three (3) nays noting one (1) absent, Chairman Koehler declared the motion to approve 15.2 H(1) has passed.

ORDINANCES

For Review: *Ordinance authorizing the Annual Appropriations for FY 10-11 budget*

For Review: *Ordinance providing for the Levy of Taxes for McHenry County for fiscal year December 1, 2010 through November 30, 2011*

Chairman Koehler made a couple of observations about these two ordinances on review. He reminded the board that this has been a difficult process over the past couple of years. Tonight a balanced budget is being brought forward for 30-day review for the board and public to review. Right now the budget is approximately \$6.9 million dollars less than last year's budget and he's proud of the elected officials and department heads for all of the work they have done in putting forth tremendous effort showing they want to maintain the financial strength of the county. The Chairman said at the last board meeting an update was given on the budget showing it to be basically balanced with about a \$97,000 deficit. At this time he said with new projections coming in, it appears we could end up with a \$300,000 surplus with it possibly rising a little more before we close out the year. The total county budget is reduced from \$248,381,320 to \$241,431,558, which is about a 2.8% reduction over last year with no dramatic cuts in services. The Chairman pointed out that the county has frozen 40 positions and have moved forward with the plan to reduce county contributions to a number of groups. He also noted that this budget does not include any wage increase for non-union employees as well as noting that the union contracts coming up for negotiations will be looked at very carefully and a strong stand will be taken as everyone needs to be responsible for the cuts. Chairman Koehler said if anyone had any changes or comments on the budget please bring them to the Finance & Audit Committee first.

Mr. Munaretto brought forward the two above-named ordinances for 30-day review seconded by Ms. Donner.

Ms. Barnes asked if there was a summary or outline of the last minute changes that were made to the budget since the last presentation two weeks ago. Mr. Austin said the cuts that have been made were all presented two weeks ago. On the revenues, those are more difficult since there are so many levels that they come from. There have been additional cuts on a handful of personnel budgets which accounts for extra money, but nothing is tied to particular positions. Mr. Sarbaugh said there is not a summary report available with our budget module. He said he can show her department by department but he can't show overall without making a report to do that, and they can do that if it's the County Board's direction. Ms. Barnes said she wanted to know, as did others, how we were able to find an extra \$400,000 so that we are now showing a projected surplus, an outline or summary would be fine. Mr. Austin said they had some budgets on the non-departmental revenue side which Finance Committee approved that we had not accounted for as well as some extra accounting for personnel dollars in the Sheriff's office that they were able to pull out. Some board members were interested in knowing about the sales tax being received with Mr. Austin saying there was no change in the projected sales tax. Mr. Merkel cautioned everyone that after the election we don't know what the state legislators are going to do as there is talk in Springfield of changing the sales tax reimbursement formula. Chairman Koehler pointed out that some of the increase in sales tax is from a few more big named stores i.e. Olive Garden in McHenry. Chairman Koehler told everyone that if there were any questions or comments on the budget to please bring them to the Finance & Audit Committee.

For Review: *Ordinance for Addendum to McHenry County Statement of Economic Interests*

Ms. Schuster brought forward the above-named ordinance for 30-day review seconded by Ms. Hill.

Chairman Koehler said if there were any questions or concerns, bring them to Management Services.

For Action: *Ordinance implementing the Wetland Restoration Fund*

Ms. McCann made a motion seconded by Ms. Barnes to approve the above-named Ordinance.

Noting no discussion, Chairman Koehler asked for a voice vote, the ayes having it, he declared the motion to approve the Ordinance implementing the Wetland Restoration fund has passed.

For Action: *Ordinance Amending the McHenry County Stormwater Management Ordinance O-200401-10-009 adopted January 20, 2004*

Ms. McCann made a motion seconded by Ms. Donner to approve the above-named Ordinance.

Noting no discussion, Chairman Koehler asked for a voice vote, the ayes having it, he declared the motion to approve the Ordinance amending the McHenry County Stormwater Management Ordinance has passed.

ADMINISTRATOR'S REPORT

Mr. Austin said he will have the written Administrator's report out to board members by the November meeting. He said representatives from the Ferguson Group are planning to be here late afternoon on November 2nd and 3rd. If anyone has any questions for the representatives or would like to meet with them let Mr. Austin know. They will be having some initial meetings with staff to position ourselves for next year.

Mr. Austin said Lake County and McHenry County partnered on a SAMPESA grant that was awarded recently. There will be a public unveiling or announcement on November 10th if anyone wants to be a part of that. Mr. Lesser told the board this grant targets homeless veterans and families trying to assist them.

MEMBERS' COMMENTS

Mr. Merkel commented on the huge success once again with the Trail of History that the Conservation District put on. Thousands of people came out on the beautiful weekend as well as busloads of children were brought over for the event. It was noted that so many schools want to participate in this they do a lottery to choose which schools participate.

Ms. Miller said that on October 11th Niels Sorensen, a Trustee from Algonquin Twp passed away. Chairman Koehler asked for a moment of silence in his memory.

Ms. Barnes said recently the National Merit Semi-Finalists were announced. She suggested that we put together a resolution honoring those McHenry County high school seniors who were named. There were three from Cary-Grove high school and her daughter was one of them. Ms. McCann will try to get the list of names for McHenry County and if not they will check with the Superintendent of Schools office.

Ms. McCann said that there is going to be a Drainage Workshop meeting next Tuesday from 10-3 at the Soil & Water Conservation offices on Dean Street. In regard to fees for Soil & Water and the reduction of the amount they will be receiving from the County, Mr. Austin and Mr. Sarbaugh met with Soil & Water and looked at some options and she believes they are going to look at some fees for services that they are now providing free. Lastly, Ms. McCann said the Extension Service does provide some wonderful leadership programs and in a time when we need afterschool programs because so many are losing funding, if we could look for a little more money for the Extension Service with the note that it must be spent here, she would support that.

Ms. Salgado said in regards to the woman who spoke at public comment about the Dalmatian dogs, she had spoken with Mr. McNulty about this. Two vets looked at these dogs and determined that they are just old they are not sick. It's hard for people to understand, but Animal Control can't be taking dogs from people just because they are old and not eating. She has also talked with some of the neighbors and there doesn't seem to be an easy solution. Also, she spoke about there not being any merit increase included in the budget for our non-union employees saying the Human Resources Committee will continue to look at this as we move forward as it seems that we are holding these employees accountable. She said she asked six weeks ago for an outline of the Sheriff's \$1.2 million proposed in overtime and how that is spent and she was told they are working on it. As of now, she has not received a break down and they should be held accountable for that much money in overtime and she's having a hard time not giving the non-union employees an increase. Ms. Salgado encouraged board members to look at the draft budget for other areas of question; i.e. the Ferguson Group is one that potentially could be cut.

Mr. Hammerand asked the Chairman to give a summary of the trial which he watched for the appeal of three liquor license violations. Chairman Koehler said he attended the Appellate Court oral arguments where our Asst. State's Attorney's, Ms. Rein and Ms. Jansen gave oral arguments on our behalf and he commended them for being so well prepared. Each side gets 15 minutes of argument and then we got a 5 minute rebuttal. This whole thing was about our McHenry County Liquor Commission revoking the liquor license of the establishments selling to underage people

and the state overturned the County's decision. The question becomes who has the jurisdiction and responsibility to do that. Judge Caldwell found in favor of the State Liquor Commission but we felt that his judgment was flawed and took it to the Appellate Court. The Chairman said it was very interesting to see because there are three judges that sit, drill and ask questions during the attorney's 15 minute dissertation. The Chairman said he would be very surprised if the opinion does not come back in our favor.

Mr. Kennedy commented that he's very proud of our Liquor Commission for taking a stand as you don't realize how important this issue is until you deal with the loss of a teenager involved with underage drinking.

Chairman Koehler said the Underage Drinking Taskforce had a good meeting last Friday with the leadership of Joe Williams of the Superintendent of School's office and Ms. Rein of the State's Attorney's office. He said there are many people coming out and being a part of this and he hopes to get the youth of the county involved as well.

EXECUTIVE SESSION

None

ADJOURNMENT

Mr. Heisler made a motion seconded by Ms. Yensen to adjourn at 8:30 p.m. Chairman Koehler declared the motion passed on a unanimous voice vote.

Dated and approved at Woodstock, Illinois this 4th day of November, A.D., 2010.

s/ Kenneth D Koehler
Kenneth D Koehler, Chairman
McHenry County Board

ATTEST:

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