

MCHENRY COUNTY BOARD
MINUTES OF THE REGULAR SESSION MEETING
JUNE 16, 2009

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, June 16, 2009.

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. Donner gave the invocation/personal remarks.

ROLL CALL

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

MINUTES

Ms. Miller made a motion seconded by Mr. Ryan to approve County Board minutes from June 2nd, 2009. Chairman Koehler asked if there were any changes or corrections, a typographical error was noted and will be corrected. Chairman Koehler asked for a voice vote, the ayes having it, the motion to approve the minutes was passed.

CHAIRMAN'S REMARKS

Chairman Koehler said he has lost two good friends and an uncle in the last two weeks to cancer. His thoughts are with all of the good friends that he has and the memories that they share when this kind of thing happens.

SPECIAL RECOGNITION/REPORTS

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

Alex Nelson of Crystal Lake	Troop #158
Ben Simon of Crystal Lake	Troop #158
Timothy John McGuire of Crystal Lake	Troop #164
Jeffrey J Andersen of Fox River Grove	Troop #166

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

SPECIAL PRESENTATIONS

8.1 Energy Efficiency Conservation Block Grant (EECBG) –Becky Werra of Siemen's Corp

Ms. Werra said a written presentation was handed out to all board members and a list of recommended projects was in the board packet and also includes back up material; i.e. full scope of work and an audit that they provided to the County. Ms. Werra highlighted some of the projects that they have identified and would like to move forward on and implement with the use of the Energy Efficient Conservation Block Grant (EECBG). She said they started out with forty-one projects after doing an audit of all of the facilities and their engineers here looking at the facilities and after working with the County, they have narrowed the list down to twenty-eight projects that they are recommending the block grant money be used for. Some of them include renewable energy, an educational piece, LED technology, and capital improvement measures. Ms. Werra said it is important to keep a good balance like this because the

Department of Energy (DOE) wants flashy, renewable projects and if we bundle that in with capital improvement measures that also save energy, we are presenting a good project that she believes will be approved by the DOE. Ms. Werra also pointed out that not only is the County going to be getting a lot of capital improvements implemented this year and taking them off the book for three years down the road, you're also going to be reducing the carbon emissions by over two million pounds of CO₂, which will help get these projects approved.

Mr. Munaretto pointed out that the list of recommendations exceeds the \$2.5 million that has already been reserved for McHenry County. Ms. Werra explained that the application process for this money is due on June 25th. The money is earmarked for the County but you still have to apply so that you can use the money to stimulate the economy, reduce carbon emissions and implement clean energy. She said the wish list was put together with budget numbers and once they apply they will have time to do an investment grade audit and fine tune the numbers for savings and carbon reduction and the actual cost of what the projects will be. Additionally, Ms. Werra has identified \$200,000 in IL incentives that are competitive grants that the County could go after to get additional funding. Ms. Donner commented that McHenry County has been working with Siemen's for a number of years and we are at the cutting edge in going green. Mr. Heisler asked what the difference was between a solar wall and PV. Ms. Werra said the solar wall is a newer technology and it's on the south facing wall of a facility. It creates a gap or cavity and allows the hot air to go up through the gap between the brick and solar wall and then heat your facility. It's a good application for a large garage, such as the DOT, or the south facing wall of the Government Center where the bridge is. It's not really creating electricity it's supplementing the heat whereas PV is generating electricity. Mr. Hammerand asked about the life span of a solar wall and how it is glazed. Ms. Werra explained that renewable technology such as solar and wind technology now has a very poor payback because of the cost of the technology itself. You are still generating clean energy and it's supplementing the boiler with clean energy and the paybacks aren't there unless you rely heavily on grant money to put those in place, which is the case here. Ms. Werra wasn't sure about the glazing at this time as different solar applications will be looked at. Ms. McCann asked about the savings with the Liebert cooling units that the County currently uses. Ms. Werra said the units are not that old and a lot of time was not invested in calculating the energy savings because we are going to a new technology which is a more efficient, cleaner technology, which is row and rack cooling. There will be a pay back on cooling when the new cooling units are in place. Chairman Koehler said all of the projects are good ones and we are going to be able to save McHenry County money in doing these projects with federal money.

ZBA CONSENT AGENDA

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

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

- Exb #08-74; Seneca Twp; Friese Trust; reclass of A1 to E1
- Exb #09-10; McHenry Twp; Donald/Ruth Peters; reclass of R1 to R1V
- Exb #09-17; Seneca Twp; Rosenwinkel Trust/Heimsoth; reclass of A1 to A2

Chairman Koehler asked for a roll call vote. The following members responded aye: Miller, Munaretto, Peschke, Ryan, Salgado, Schmidt, Schuster, Wheeler, Yensen, Barnes, Bless, Breeden, Donley, Donner, Draffkorn, Dvorak, Hammerand, Heisler, Hill, Kennedy, McCann, Merkel and Koehler. Absent: Orphal. The vote being twenty-three (23) ayes noting one (1) absent, Chairman Koehler declared the motion passed.

ZBA REGULAR AGENDA

Ms. Hill told the board that the following Petition has been recommended for denial by the Hearing Officer. Following County Board rules, this petition will be brought forth in the affirmative, so a YES vote is to approve the petition and a NO vote is to DENY the petition as recommended by the Hearing Officer.

Ms. Hill made a motion seconded by Ms. Salgado to approve the following Petition:

- Exb #09-15; McHenry Twp; Joseph/Sara Zelek; reclass E2 to E2V

Chairman Koehler asked for any discussion. Board members spoke for and against this petition, talking about the good use of the property and its setting and against the size of the building being proposed.

Chairman Koehler noted that in order for this to be approved, eighteen (18) yes votes would be needed. He then asked for a roll call vote. The following members responded aye: Miller, Ryan, Salgado, Bless, Breeden, Donley, Draffkorn, Dvorak, Hammerand, Heisler, Kennedy, Merkel and Koehler. Nay: Munaretto, Peschke, Schmidt, Schuster, Wheeler, Yensen, Barnes, Donner, Hill and McCann. Absent: Orphal. The vote being thirteen (13) ayes and ten (10) nays, noting one (1) absent, Chairman Koehler declared the **motion to approve Exb #09-15 denied**.

PLATS

None

PUBLIC COMMENT

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

Kurt Beystehner of Harvard	against	Alden Rd improvement project
Judy Kazy-Gary of Alden	against	Alden Rd improvement project
Eugene A Boppart of Harvard	against	Alden Rd improvement project
Joanne Boppart of Harvard	against	Alden Rd improvement project
Richard J Vance of Woodstock	against	Alden Rd improvement project
Constance Jones of Harvard	against	Alden Rd improvement project
Diane Evertsen of Harvard	against	Alden Rd improvement project
Chris O'Dea of Harvard	against	Alden Rd improvement project
Gerri Kolsky of Harvard	against	Alden Rd improvement project
Sherry L Vermont of Woodstock	against	Alden Rd improvement project
Alan Plane of Harvard	against	Alden Rd improvement project
John Bowdish of Sharon WI	against	Alden Rd improvement project
Mark Dahl of Harvard	against	Alden Rd improvement project
Jim Doetsch of Harvard	against	Alden Rd improvement project

Noting no others wishing to speak, Chairman Koehler closed Public Comment.

Ms. Miller noted that Mr. Dittrich of DOT will be at the Alden Twp building again on July 2nd at she believes 7 p.m. Alden Twp Supervisor, Mr. Rea is organizing the meeting. Mr. Dittrich will be there to answer some of the questions they have received. Tomorrow in the newspaper they will be publishing that the deadline date has been extended for public comment to July 9th because more people had questions.

NEW AND UNFINISHED BUSINESS

12.1 *Resolution authorizing the acquisition of right of way for highway purposes (Walkup Road) pursuant to eminent domain*

Ms. Miller made a motion seconded by Ms. Salgado to approve the above-named resolution.

Chairman Koehler asked for a roll call vote. The following members responded aye: Miller, Munaretto, Orphal, Peschke, Ryan, Salgado, Schmidt, Schuster, Wheeler, Yensen, Barnes, Bless, Breeden, Donley, Donner, Draffkorn, Dvorak, Hammerand, Heisler, Hill, Kennedy, McCann, Merkel and Koehler. The vote being twenty-four (24) ayes, Chairman Koehler declared the motion passed.

APPOINTMENTS

Mr. Munaretto asked to vote on the appointments separately.

Ms. McCann made a motion seconded by Ms. Wheeler to approve the following appointments:

Agricultural Conservation Easement & Farmland Protection Commission	
Harry Alten, Jr.	term to expire 01/01/2012
Brian Jenkner	term to expire 01/01/2011
Rob LaPorta	term to expire 01/01/2011
Virginia Peschke	term to expire 01/01/2011
Ken Bauman	term to expire 01/01/2012
Lenore Beyer-Clow	term to expire 01/01/2012

Chairman Koehler asked for any discussion. Mr. Munaretto commented that a board member is on a commission and it seems a little incongruous to him. It seems to him that there are many people throughout McHenry County who have an interest in farmland preservation and that board members are somewhat conflicted in being both legislator and commissioner at the same time. Ms. Wheeler responded that there are no rules against having a board member on a commission and there are other commissions that board members are on.

Mr. Munaretto asked if it would be more appropriate to appoint a board member as a liaison to the commission. Chairman Koehler said he wasn't sure and Ms. Rein will check into this.

Chairman Koehler asked for a roll call vote. The following members responded aye: Miller, Munaretto, Orphal, Peschke, Ryan, Salgado, Schmidt, Schuster, Wheeler, Yensen, Barnes, Bless, Breeden, Donley, Donner, Draffkorn, Dvorak, Hammerand, Heisler, Hill, Kennedy, McCann, Merkel and Koehler. The vote being twenty-four (24) ayes, Chairman Koehler declared the motion passed.

Ms. Hill made a motion seconded by Ms. Donner to approve the following Appointments:

Historic Preservation Commission
Trisha Doornbosch term to expire 11/26/2011
Steven Greeley term to expire 11/26/2010

McHenry County Conservation District Board of Trustees
Matthew Ewertowski term to expire 06/30/2014
Bonnie Leahy term to expire 06/30/2014

Senior Services Grant Commission
Don Kopsell (Hwy Association) term to expire 10/01/2010
Donna Schaefer (Township) term to expire 10/01/2011

Chairman Koehler asked for a roll call vote. The following members responded aye: Miller, Munaretto, Orphal, Peschke, Ryan, Salgado, Schmidt, Schuster, Wheeler, Yensen, Barnes, Bless, Breeden, Donley, Donner, Draffkorn, Dvorak, Hammerand, Heisler, Hill, Kennedy, McCann, Merkel and Koehler. The vote being twenty-four (24) ayes, Chairman Koehler declared the motion passed.

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

Marengo Rescue Squad District
Eugene Nicolo Carroccia term to expire 12/2009

Ms. Barnes noted that Mr. Carroccia was the only applicant so no formal action was taken on this as a committee. She asked to have the expiration date checked on as she thought the appointment was for a longer period of time.

Chairman Koehler said he will do that and asked for a roll call vote. The following members responded aye: Miller, Munaretto, Orphal, Peschke, Ryan, Salgado, Schmidt, Schuster, Barnes, Bless, Breeden, Donley, Donner, Draffkorn, Dvorak, Hammerand, Heisler, Hill, Kennedy, McCann, Merkel and Koehler. Nay: Wheeler and Yensen. The vote being twenty-two (22) ayes and two (2) nays, Chairman Koehler declared the motion passed.

STANDING COMMITTEE CHAIRMAN UPDATES

Mr. Hammerand said a while ago they revoked a liquor license for cause and the state overturned their decision. Since then it has gone to court and will be heard tomorrow. He asked Ms. Rein to elaborate. She responded that this will be before Judge Caldwell at 9 a.m. tomorrow on the 2nd floor if anyone wants to attend. She doesn't know if there will be a decision made or if he will take it under advisement and do a decision later. Ms. Rein said she will report to the Liquor Commission and County Board on the outcome when she has the information. Chairman Koehler said he will be in attendance.

Ms. Hill said at this week's Planning & Development Committee meeting they will be having a discussion on our violation and code enforcement process. She asked Mr. Sandquist if Mr. Kelley had spoken to him about coming and talking to them about conditional use permits at this meeting. Mr. Sandquist said he did not mention it. She encouraged anyone interested in the code enforcement process to attend.

ROUTINE CONSENT AGENDA

Chairman Koehler asked if anyone wished to remove an item from the Consent Agenda. Mr. Munaretto removed 15.2 B(8).

Ms. Hill made a motion seconded by Ms. Yensen to approve the Routine Consent Agenda with one item removed.

Chairman Koehler asked for a roll call vote. The following members responded aye: Miller, Munaretto, Orphal, Peschke, Ryan, Salgado, Schmidt, Schuster, Wheeler, Yensen, Barnes, Bless, Breeden, Donley, Donner, Draffkorn, Dvorak, Hammerand, Heisler, Hill, Kennedy, McCann, Merkel and Koehler. The vote being twenty-four (24) ayes, Chairman Koehler declared the motion passed.

15.2 B(8) Resolution expressing official intent to designate the County of McHenry, Illinois as a Recovery Zone for purposes of the American Recovery and Reinvestment Tax Act of 2009

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

Mr. Munaretto asked that Tim Stratton, our bond counsel, come forward to talk about the Recovery Zone Bond Financing Program. Mr. Stratton came forward and said that under the recent stimulus legislation the American Recovery and Reinvestment Tax Act of 2009, the Federal government created a couple of different bonding provisions which are available to units of local government, both for governmental projects within the County and also to assist private businesses and development within the County. Mr. Stratton said that on Friday they got the allocations as published by the IRS which was sent out along with some additional guidelines on implementing this program. The allocations for McHenry County for the Recovery Zone Economic Bonds which are the portion of the bonds which allow a unit of local government, County or any other municipality or unit of government within the County, to borrow money and receive a 45% rebate from the Federal government of the interest paid on that bond program. They get a direct check from the IRS of 45% of the interest over the life of the bond. Mr. Stratton said what that does is to create very cheap money over and above what they would normally get through a tax exempt bond proceed. The rebate can be taken and applied anywhere they like, to pay debt service or for additional projects. The allocation pool for McHenry County is \$18,338,000.00. After approving this resolution, the County Board will have authority to be able to allocate that money within the County under the procedures and parameters that they see fit. The other pool of money that the stimulus package creates for the Economic Recovery Zones is a pool of money which would go to help local businesses. These would be much like the traditional industrial revenue bonds. He added that under past tax law those industrial revenue bonds could only be used for certain types of manufacturing facilities but under the new legislation it's a much broader application so that they can be used for land acquisition, for purchasing of equipment and upgrades or purchase of facilities, as long as it is used in a trade or business. There is a list of four or five excluded businesses, namely golf courses, residential housing, rental housing and other types of undesirable uses, such as liquor stores, massage parlors etc. Mr. Stratton said the amount of money that was allocated to McHenry County for these so-called Facility Zoned Bonds is \$27,507,000.00 and that money would be able to be funneled into the community for worthwhile projects as the County sees fit. He noted that these bond provisions do have a time line attached to them so under the current provisions of the tax code, these bonds must be issued no later than December 31, 2010. If they are not issued by that time the allocation will just disappear. There is some speculation in the tax exempt bond market that the program might get extended if the economic recovery has not taken off by that point and time. Mr. Stratton added that as you approach that deadline, if counties have not used their allocation it will revert to the State of Illinois to be reallocated to county's that will use it. Also, he noted that both the governmental borrowing program and the industrial revenue private bond program, it's not the County making a direct loan. People are not borrowing money from the County, it is simply a tax treatment that gets applied at the Federal level and the County is vested with the authority to decide which projects on a local level are worth funding, but the County is not on the hook for any of the loans.

Chairman Koehler asked if there were any questions for Mr. Stratton. It was asked if the County would be able to get more money if other areas don't use theirs. Mr. Stratton said yes that is a possibility. He will provide a list to board members of the allocations to several counties in Illinois. He said allocations were based on job loss in the past year and smaller areas with smaller allocations, it is not economically feasible for them to do a bond issue of that size so that allocation will probably get transferred back to the state or a provision in the code could be utilized that allows a county to proactively transfer it themselves to someone else. Ms. Salgado asked if non-profits were eligible. Mr. Stratton said non-profits can borrow under a different type of financing so the Recovery Zone Facility Bonds specifically are for private entities. Chairman Koehler added that they are trying to tie the funds that would be allowed to be given to people doing something in McHenry County with jobs for McHenry County. Mr. Munaretto said part of the challenge put forth at the Finance & Audit Committee on June 23rd along with Mr. Labaj's assistance is to develop a program around this that focuses on an application for private activities and give the board an opportunity to understand the kind of project and number of jobs it creates and other things that will allow the County to make an informed decision.

Chairman Koehler asked for a roll call vote. The following members responded aye: Miller, Munaretto, Orphal, Peschke, Ryan, Salgado, Schmidt, Schuster, Wheeler, Yensen, Barnes, Bless, Breeden, Donley, Donner, Draffkorn, Dvorak, Hammerand, Heisler, Hill, Kennedy, McCann, Merkel and Koehler. The vote being twenty-four (24) ayes, Chairman Koehler declared the motion passed.

ORDINANCES

16.2 A Ordinance adopting the Prevailing Wage Rates (waiver of 30 day review requested)

Mr. Munaretto made a motion seconded by Mr. Kennedy to approve the above-named Ordinance.

Chairman Koehler asked for any discussion. Board members commented that this is something they have to do and if they don't pass this, the County would have to do their own wage survey and it would cost tax payer's money and won't change the agreement at all..

Chairman Koehler asked for a roll call vote. The following members responded aye: Miller, Munaretto, Ryan, Schmidt, Wheeler, Yensen, Barnes, Bless, Breeden, Donley, Donner, Draffkorn, Dvorak, Hammerand, Kennedy, McCann and Merkel. Nay: Orphal, Peschke, Salgado, Schuster, Heisler, Hill and Koehler. The vote being seventeen (17) ayes and seven (7) nays, Chairman Koehler declared the motion passed.

ADMINISTRATOR'S REPORT

Mr. Austin said he had a half day meeting working more on our strategic planning measures. They should have some info for the board by the end of July. He said there is a draft of the new strategic plan banner that will eventually be hanging on the wall. Mr. Austin said the break room is open again and the election/storage facility is now being used. Mr. Austin said his office has been extremely busy of late working on many different things. He will try to put everything together in his quarterly report for the board. Lastly, he said he was selected to be the President of the IL Association of County Administrators and he will be out of the office next week but will be accessible by phone.

Ms. Hill asked to comment before going into executive session that she has been in Springfield the past two days for a legislative seminar. She learned something new and said to check out www.illinoisresource.net, it's matching grants from the federal stimulus dollars and DCEO. They're trying to bring those together and help you with those grants and match them up and see where more dollars can be found.

Ms. McCann also asked to comment before executive session about MCDOT not doing proper notification to owners of property when they have contracted with contractors that go on people's property and do surveys and the like with no forewarning. It happened to her personally and she feels that something needs to be done about this. The men who were on her property had no identification and just said that the County needs to get an easement from them and they needed to survey all of the buildings on their property. Ms. Miller said she spoke to Mr. Korpalski about this and asked Ms. McCann for a little more background and they will check on this. Mr. Kennedy encouraged people to call the police/sheriff on people they are unfamiliar with who are on their properties.

EXECUTIVE SESSION

Chairman Koehler said there is a need to go into Executive Session to discuss Pending Litigation.

Ms. Hill made a motion seconded by Mr. Heisler to go into executive session.

Ms. Orphal made a motion seconded by Ms. Barnes to return to Regular Session.

Chairman Koehler asked for a roll call vote. The following members responded aye: Miller, Munaretto, Orphal, Peschke, Ryan, Salgado, Schmidt, Schuster, Wheeler, Yensen, Barnes, Bless, Breeden, Donley, Donner, Draffkorn, Dvorak, Hammerand, Heisler, Hill, Kennedy, McCann, Merkel and Koehler. The vote being twenty-four (24) ayes, Chairman Koehler declared the motion passed.

Chairman Koehler said no action was taken in executive session.

COMMUNICATIONS

Chairman Koehler told the board that there is going to be a rally Friday night at 9 p.m. somewhere possibly on the campus grounds. It is the Sisters of Mercy the Latino Coalition, having to do with the rights of Latino's and the border issues. He said it is a City of Woodstock issue but the Sheriff is aware.

COMMENTS

Ms. Hill commented about a friend she ran into with brain cancer and he told her about another neighbor that lived behind him who has brain cancer as well. She said this is in her old neighborhood, Lakeland Park, and they're getting brain cancer. She talked with IDPH this weekend and she would like to find out if the County can do a study or something so that people can have information and go to their doctors to decide if an MRI is warranted.

Ms. Hill also suggested that member's comments be done before executive session so that if public is here they can hear what board members have to say. Many times the public leave once the board goes into executive session. This is something they will discuss at Management Services.

Mr. Hammerand said CFO ran a chart in June of this year of the metropolitan areas ranked by one year decline in medium home price. He said Boston is 19% down, Washington DC is 25% down, LA is 34% down, Phoenix is 42% down and Fort Myers, FL is 59% down. In thinking about that, if you have a \$100,000 house you are down about \$40,000 now.

Mr. Merkel said John Green and Kim Hankins will be stepping down from the board of the MCCD and he would like to give them some type of recognition. Their last meeting will be this Thursday night.

Mr. Heisler said he was reinforcing an e-mail from Dennis Sandquist, next week the RPC is seeking some public comment on the 2030 Plan. There will be workshops on June 26th at 1 p.m. here, June 29th at 6 p.m., June 30th at 8:30 a.m. and 7 p.m. They are looking for public comment and input from county residents and others on the draft. It should be available in board member's mailboxes by this Friday.

Ms. Peschke talked about the old map hanging on the wall that was hanging in the other building in 1991. The company on the Southwest side of Chicago who restored the map was very impressed with the map and the historic buildings that were marked on the map, which is unusual. The map is under a cover for protection and light does need to be kept off of it for its protection.

Ms. Salgado talked about the IL budget and the potential cut of social services being talked about. She said tomorrow in the paper there will probably be a write up on how this is affecting social services in McHenry County.

Ms. McCann pointed out that Mr. Merkel did a great job in setting up and interviewing for the MCCD candidates. He created a brochure with the help of the MCCD about the responsibilities of a board member. She said that might be a model for other committees to use.

Ms. Orphal reminded board members that if you cannot make your committee meeting, contact the Chairman of the committee. She had a situation last week where they didn't have a quorum present and no action could be taken.

ADJOURNMENT

Ms. Donner made a motion seconded by Ms. Miller to adjourn at 9:31 p.m. Chairman Koehler declared the motion passed on a unanimous voice vote.

Dated and approved at Woodstock, Illinois this 7th day of July, A.D., 2009.

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

ATTEST:

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