

Lake County Illinois

*Central Permit Facility
500 W. Winchester Rd
Libertyville, Illinois 60048-1331*



Minutes Report - Final

Thursday, September 1, 2022

6:00 PM

500 W. Winchester Rd - Libertyville, Illinois

Lake County Stormwater Management Commission

PUBLIC ATTENDANCE: There are two options for the public to attend the meeting: (1) in-person attendance on the 2nd floor Central Permit Facility building 500 W. Winchester Road, Libertyville, Illinois, or (2) remote / virtual attendance through the link:

<https://us02web.zoom.us/j/82110372331>

Meeting ID: 821 1037 2331

One tap mobile
+13126266799,,85137896784# US (Chicago)

Dial by your location
+1 312 626 6799 US (Chicago)

RECORDING: Meetings, including Public Comment, will be recorded.

PUBLIC COMMENT: The public will be afforded time to comment on matters related to the business of the Lake County Stormwater Management Commission. A total of 30 minutes will be permitted for Public Comment and no more than three minutes per Comment. In general, Public Comment on items not on the agenda will be presented near the beginning of the meeting. Public Comment on agenda items may be presented during consideration of that item.

1. CALL TO ORDER

The meeting was called to order by Chairman Schmit at 6:17 p.m.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Others present: Lisle Stalter, Bob Ross, Pat Ross, Amy McCaffery, Rebecca Kurtz, Jim Bland, Robin Weller, Mary Handelsinn, Mary Conley Eggert, Barbara Meudt, Paula Randall (V), Charles Yun (V) and SMC staff: Kurt Woolford, Dijana Silber, Arnold Donato, Kelcey Traynoff, Mike Prusila, Susan Novak, Ernesto Huaracha, Michelle Pope, Brian Frank (V)

Present 9 - Alternate Altenberg, Member Casbon, Member Hewitt, Alternate Parekh, Member Pedersen, Alternate Ryback, Chair Schmit, Alternate Talbett and Alternate Weidenfeld

4. PUBLIC COMMENT

Chairman Schmit read a statement regarding public comment and the time allotted for comments before inviting those in attendance to state their comments. Pat Ross voiced her concern about the ski hill that is planned to be built in Round Lake. Barbara Meudt also voiced her concern about the planned ski hill and about the potential damage to the roads caused by the trucks and equipment leaving the site. Amy McCaffery voiced her concern about the growing landfill owned by CHDS, LLC at the corner of Wilson Road and Route 120 in Round Lake. Ms. McCaffery had specific concerns regarding the state of silt fence and the lack of control of the water runoff. Jim Bland requested to ask several questions. Chairman Schmit stated that the public comment period is intended for comments only, not discussion, but stated that Mr. Bland could ask his questions. Mr. Bland asked that SMC explain the roles of the different regulatory authorities involved in the oversight of the ski hill project and what SMC's authority is in the ski hill development. Mary Handelsinn commented on the importance of the ski hill development being handled appropriately. Mary Conley Eggert stated that she was alerted by the Health Department that Long Lake is the most toxic lake in the state. Ms. Eggert believes that this should not be tolerated in Lake County and that additional studies should be done, specifically on the groundwater that feeds into the lakes, before a ski hill can be built. Charles Yun voiced his support for agenda item 7.2, the Oak Spring Lane Drainage Improvement project in Libertyville, and stated that it will have an immediate and definite impact on the drainage problem in the area. Mr. Yun has been an advocate for the project and has spoken to other stakeholders over the past seven years to work towards getting the project done.

Mr. Bland asked again for SMC to give a quick overview of the character of the laws that generate the regulatory oversight of the landfill sites and what monitoring authority SMC has? Chairman Schmit again indicated that the public comment period was not meant for answering questions or having a discussion. Assistant State's Attorney, Lisle Stalter, explained that pursuant to the rules, the Commission can hear public comment, for items not on the agenda, but cannot engage in a discussion during the meeting. Mr. Bland

asked how many communities SMC has taken authority away from for purposes of oversight of erosion control? Ms. Stalter explained that Mr. Bland could submit his questions to SMC outside of the meeting. Chairman Schmit stated the Commission would look into all of the comments and questions and see what authority SMC has in the project, and provide responses at the next Commission meeting.

5. [22-1231](#)

SMC Board Meeting August 4, 2022 minutes draft

The August 4, 2022 minutes were presented, there were no questions.

A motion was made to approve August 4, 2022 minutes by Member Hewitt, seconded by Alternate Talbett. Motion passed by unanimous roll call vote.

Aye: 8 - Member Casbon, Member Hewitt, Alternate Parekh, Member Pedersen, Alternate Ryback, Chair Schmit, Alternate Talbett and Alternate Weidenfeld

Not Present: 1 - Alternate Altenberg

6. **COMMISSION REPORTS**

6.1 **Director's Report**

Kurt Woolford provided a brief update on the FY23 budget. The desk review of the budget was done on August 31st with the County Administrator's Office and Finance. The numbers in the budget were good and there were no issues with the budget submission. There was a conversation about the new program request for staffing and other resources. This request will be discussed further with the County Administrator. Mr. Woolford explained that there may be a need for a policy change in the County Board policies, but it is under discussion. Mr. Woolford also provided an update on the Congressional-directed spending for stormwater projects. There are two projects in Zion, one project in Waukegan, one project in North Chicago, and one project in Fremont Township. SMC is coordinating with FEMA and IEMA and potential awards are anticipated by the end of September. Commissioner Hewitt asked if the Waukegan project is the MacArthur drainage swale project. Mr. Woolford explained that that project is part of SMC's SIRF program. Kelcey Traynoff provided a brief update on the project timeline.

6.1. **FY23 Budget Update**

a

6.1. **Congressional-Directed Spending Updates**

b

6.2 **Chairman's Report**

Chairman Schmit thanked everyone who attended the Knollwood groundbreaking ceremony in Fox Lake. Chairman Schmit explained that the subdivision and drainage improvements will make a difference for the residents who live in the area.

6.3 **Commissioner's Report**

7. **ACTION ITEMS**

7.1 [22-1237](#)

Treasurer's Report

Arnold Donato presented the Treasurer's Reports for August 2022.

A motion was made to approve August Treasurer's Reports by Member Hewitt, seconded by Member Pedersen. Motion passed by unanimous roll call vote.

Aye: 8 - Member Casbon, Member Hewitt, Alternate Parekh, Member Pedersen, Alternate Ryback, Chair Schmit, Alternate Talbett and Alternate Weidenfeld

Not Present: 1 - Alternate Altenberg

7.2 [22-1219](#)

Contract authorization with Campanella & Sons, Inc. for DCEO Round 1 Construction Contract Oak Spring Lane Drainage Improvements Project Libertyville, IL in the amount of \$1,383,765.10
Susan Novak requested approval of the contract authorization with Campanella & Sons, Inc. for DCEO round 1 construction contract Oak Spring Lane Drainage Improvements project in Libertyville, IL in the amount of \$1,383,765.10, as modified to include revised work completion dates: Article SP108.01 Contract Times The Work shall be substantially completed, as described in Article 105.17 of the General Specifications, on or before DECEMBER 2, 2022, and will be completed and ready for final payment, as described in Article 109.09 of the General Specifications, on or before JUNE 15, 2023. These dates and times will be used to determine the Contract Times and completion of the Work in accordance with these dates and times is an essential part of the Contract.

A motion to approve the contract authorization, with the revised work completion dates, pending State's Attorney review and approval, was made by Alternate Ryback, seconded by Alternate Weidenfeld. Motion passed by a unanimous roll call vote.

Aye: 8 - Member Casbon, Member Hewitt, Alternate Parekh, Member Pedersen, Alternate Ryback, Chair Schmit, Alternate Talbett and Alternate Weidenfeld

Not Present: 1 - Alternate Altenberg

7.3 [22-1220](#)

Contract authorization with Gewalt Hamilton Associates, INC. for DCEO Round 1 construction engineering services Contract Oak Spring Lane Storm Sewer Bypass Project in Libertyville Township, IL in the amount of \$116,390.00
Ernesto Huaracha requested approval of the contract authorization with Gewalt Hamilton Associates, Inc. for DCEO Round 1 construction engineering services contract for the Oak Spring Lake Storm Sewer Bypass project in Libertyville Township, IL in the amount of \$116,390.00.

A motion to approve the contract authorization, pending State's Attorney review and approval was made by Alternate Talbett, seconded by Member Hewitt. The motion carried by the following roll call vote:

Aye: 7 - Member Hewitt, Alternate Parekh, Member Pedersen, Alternate Ryback, Chair Schmit, Alternate Talbett and Alternate Weidenfeld

Not Present: 2 - Alternate Altenberg and Member Casbon

7.4 [22-1252](#)

Approval of an Intergovernmental Agreement between the SMC and the Village of Libertyville for Rockland Road Corridor and Highlands Subdivision Phase 1 & 2 Flood Reduction Projects (DCEO Round 1)

Mike Prusila requested approval of the IGA between the SMC and the Village of Libertyville for the Rockland Road Corridor and Highlands Subdivision Phase 1 & 2 flood reduction projects (DCEO Round 1).

A motion to approve was made by Member Hewitt, seconded by Alternate Weidenfeld. Motion passed by a unanimous roll call vote.

Aye: 8 - Member Casbon, Member Hewitt, Alternate Parekh, Member Pedersen, Alternate Ryback, Chair Schmit, Alternate Talbett and Alternate Weidenfeld

Not Present: 1 - Alternate Altenberg

7.5 [22-1250](#)

Approval of an Intergovernmental Agreement between the SMC and the Village of Fox Lake for Knollwood Subdivision Flood Mitigation and Road Improvements (DCEO Round1)

Mike Prusila requested approval of the IGA between the SMC and the Village of Fox Lake for the Knollwood Subdivision Flood Mitigation and Road Improvements (DCEO).

A motion to approve was made by Chair Schmit, seconded by Alternate Weidenfeld. Motion passed by a unanimous roll call vote.

Aye: 8 - Member Casbon, Member Hewitt, Alternate Parekh, Member Pedersen, Alternate Ryback, Chair Schmit, Alternate Talbett and Alternate Weidenfeld

Not Present: 1 - Alternate Altenberg

7.6 [22-1249](#)

Approval of Amendment No.1 to the Intergovernmental Agreement between the SMC and the East Skokie Drainage District for the Skokie River Channel Improvements- Phase 2 (DCEO Round 1)

Mike Prusila requested approval of an amendment to the IGA between the SMC and the East Skokie Drainage District for the Skokie River Channel Improvements – Phase 2. Due to a scrivener's error, there is an incorrect dollar amount listed in two paragraphs in the original agreement.

A motion to approve was made by Alternate Talbett, seconded by Alternate Weidenfeld. Motion passed by a unanimous roll call vote.

Aye: 8 - Member Casbon, Member Hewitt, Alternate Parekh, Member Pedersen, Alternate Ryback, Chair Schmit, Alternate Talbett and Alternate Weidenfeld

Not Present: 1 - Alternate Altenberg

7.7 [22-1257](#)

Approval of the selected DCEO Round 2.0 Project List

Kurt Woolford presented, discussed, and recommended approval of the project list for Round 2 of the DCEO program. Mr. Woolford provided a handout to the Commissioners that listed the twelve projects and a brief description of each. The total of all twelve projects is approximately \$33M. There was discussion on what would happen if the project cost is

more than anticipated and how SMC would stay on budget in these cases. Mr. Woolford stated that staff will be contacting the Round 2 project partners to update cost estimates and confirm their project commitments and timelines. Mr. Woolford added that SMC is trying to maximize state and federal funding sources for Lake County projects.

A motion to approve was made by Alternate Altenberg, seconded by Alternate Parekh. Motion passed by a unanimous roll call vote.

Aye: 9 - Alternate Altenberg, Member Casbon, Member Hewitt, Alternate Parekh, Member Pedersen, Alternate Ryback, Chair Schmit, Alternate Talbett and Alternate Weidenfeld

7.8 [22-1271](#)

Approval of the IDNR-OWR Grant Agreement Extension #371

Kurt Woolford requested approval for the extension of the IDNR-OWR grant agreement #371. The grant agreement is for SMC's buyout program where 100% funding is provided for twelve properties to be acquired and returned to open space due to severe repetitive loss. To date, nine of the twelve properties have been acquired, demolished, and restored. The extension will give SMC until June 30, 2024 to complete the demolition of the remaining properties.

A motion was made by Alternate Ryback, seconded by Member Hewitt. Motion passed by a unanimous roll call vote.

Aye: 9 - Alternate Altenberg, Member Casbon, Member Hewitt, Alternate Parekh, Member Pedersen, Alternate Ryback, Chair Schmit, Alternate Talbett and Alternate Weidenfeld

7.9 [22-1256](#)

Amendments to By-Laws Article VI for electronic attendance (8 affirmative votes required)

Mr. Woolford opened the discussion on amending Article VI of the SMC by-laws. Direction was given to staff during the August SMC meeting to draft an amendment to the by-laws, which would allow Commissioners to attend the SMC meeting remotely, when there is a physical quorum present. Assistant State's Attorney, Lisle Stalter, added that this amendment is consistent with the Open Meetings Act and a provision was added regarding the Governor's emergency declaration. Commissioner Pedersen asked for Ms. Stalter to remind the Commission what the four allowable circumstances are for remote attendance, per the Open Meetings Act. Ms. Stalter stated that these reasons are personal illness/disability, business of the public body, family or other emergencies, or employment reasons. Commissioner Pedersen discussed the benefit of each Commissioner having an alternate and stated that she did not see a reason for allowing remote attendance since SMC has the alternate system in place. Chairman Schmit voiced his concern about not having a physical quorum for the meetings if remote attendance is allowed. Commissioner Parekh stated that the reason he suggested this amendment was for cases when Commissioners cannot attend the SMC meetings due to schedule conflicts. Commissioner Weidenfeld stated that he supported the amendment and didn't see the harm in having a remote attendance option in place, especially with the circumstances under which remote attendance would be allowed. Commissioner Altenberg stated that she thought allowing remote attendance, as a backup, would be a good idea.

Commissioner Casbon voiced her support for allowing remote attendance for SMC meetings. Commissioner Talbett stated that he preferred meeting in person because the in-person environment fosters better engagement and discussion. Chairman Schmit emphasized the importance of having the monthly SMC meeting and believed that it was not too much to ask the Commissioners for their physical attendance at these meetings.

A motion was made by Member Pedersen, seconded by Member Hewitt. Motion failed to achieve a super-majority of 8 affirmative votes to amend the by-laws.

Aye: 5 - Alternate Altenberg, Member Casbon, Alternate Parekh, Alternate Ryback and Alternate Weidenfeld

Nay: 4 - Member Hewitt, Member Pedersen, Chair Schmit and Alternate Talbett

7.10 Authorization for the Executive Director to discuss hiring outside counsel with the Lake County State's Attorney.

Kurt Woolford began the discussion and requested authorization to discuss hiring outside counsel with the Lake County State's Attorney. Mr. Woolford clarified that SMC would not be replacing Lisle Stalter as the Commission's legal counsel but would instead be supplementing additional services for the amount of work needed for SMC's Capital Improvement Programs. Ms. Stalter explained that the State's Attorney would need to be involved with the hiring of this position because legally, the State's Attorney represents SMC. She also explained that the outside counsel position would be paid for by SMC and not the State's Attorney's office. Mr. Woolford stated that SMC has a line item in the budget for legal services and there are funds available. Commissioner Hewitt asked Ms. Stalter what her comfort level would be working with outside counsel and what her say would be in hiring outside counsel. Ms. Stalter explained the process, stating that if SMC has an outside counsel in mind, the State's Attorney's office would verify that the outside counsel is qualified, but the decision of whom to hire would be based upon SMC's request. Ms. Stalter also explained that the State's Attorney's office works with outside counsel frequently. Commissioner Parekh asked what the capacity level was at the State's Attorney's office to use an additional counsel from their office. Ms. Stalter explained that the State's Attorney's office currently does not have additional capacity and that is why SMC is requesting outside counsel. Commissioner Parekh asked if SMC has anyone in mind for the outside counsel position. Mr. Woolford stated that this is very preliminary, and SMC does not have anyone specific in mind for this position. Commissioner Weidenfeld asked how much money was in the budget for this position. Mr. Woolford explained that in the current budget, there is about \$20,000 available however, with the new budget year starting December 1st, there will be additional offsetting grant revenues for these expenses. Commissioner Altenberg voiced her support for the creation of the outside counsel position due to the increase in workload SMC is seeing and the limited capacity at the State's Attorney's office.

A motion was made by Member Ryback, seconded by Member Hewitt, that this item be approved. Motion passed by a unanimous roll call vote.

Aye: 9 - Alternate Altenberg, Member Casbon, Member Hewitt, Alternate Parekh, Member Pedersen, Alternate Ryback, Chair Schmit, Alternate Talbett and Alternate Weidenfeld

8. INFORMATION SECTION

8.1 [22-1238](#)

August 2022 SMC Regulatory Reports

Ms. Traynoff presented the reports for inspection status and monthly review times.

8.2 Correspondence

Ms. Traynoff shared kudos emails for SMC staff, Glenn Westman, Juli Crane, Ashley Strelcheck, and Jacob Jozefowski.

[22-1222](#)

Job well done

[22-1230](#)

Glenn Westman kudos

8.3 [22-1221](#)

2022 HOA Workshop Agenda - DRAFT

Ms. Traynoff discussed the HOA Workshop Agenda being held at the Central Permit Facility on Tuesday, September 20th at 5:30pm. Commissioner Talbett suggested that the flyer be sent to the Village Administrators.

9. EXECUTIVE SESSION

10. ADJOURNMENT

A motion to adjourn was made by Member Ryback, seconded by Member Weidenfeld. Motion passed by a unanimous roll call vote. Meeting adjourned at 7:41pm.

Aye: 8 - Alternate Altenberg, Member Hewitt, Alternate Parekh, Member Pedersen, Alternate Ryback, Chair Schmit, Alternate Talbett and Alternate Weidenfeld

Not Present: 1 - Member Casbon