

Lake County Illinois

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



Minutes Report - Draft

Thursday, July 11, 2024

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 at 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/83409834801>

Meeting ID: 834 0983 4801

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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 Chairman and Vice Chair were absent. In accordance with the bylaws, the SMC meeting was called to order by Secretary Rockingham at 6:00 p.m.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Present 8 - Commissioner - Alternate Casbon, Commissioner Hewitt, Commissioner Hood, Commissioner Hunter, Commissioner Maine, Commissioner - Alternate Parekh, Commissioner Rockingham and Commissioner - Alternate Weidenfeld

4. PUBLIC COMMENT

The following were in attendance: Kurt Woolford, Kelcey Traynoff, Mike Prusila, Dijana Silber, Sharene Gould Dulabaum (V) and SMC Staff: Lisle Stalter, RuthAnne Hall, Grant Benjamin, Susan Pribyl, Gloria Charland, Jeri Saunier, Mary Handelsman, Gery Daley, Jacob Wellbank, Vince Mosca, Clyde Kofman, Tim Potempa, Paula Randall (V), John Beissel (V)

5. 24-0857

Approval of June 6, 2024 meeting minutes

Approval was requested for the June 6, 2024 meeting minutes.

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

Aye: 8 - Commissioner - Alternate Casbon, Commissioner Hewitt, Commissioner Hood, Commissioner Hunter, Commissioner Maine, Commissioner - Alternate Parekh, Commissioner Rockingham and Commissioner - Alternate Weidenfeld

6. COMMISSION REPORTS

6.1 Director's Report

Mr. Kurt Woolford provided updates on the following.

•SMC staff met with the Army Corps to discuss the process for Preliminary Jurisdictional Determinations (PJDs) and how to move forward while PJDs were on hold. SMC and the Corps have an agreement and SMC is able to resume PJDs.

•The drone flight video for the new solar array at the County's Libertyville campus was shown.

6.2 Chairman's Report

6.3 Commissioner's Report

7. ACTION ITEMS

7.1 24-0858

Approval of June 2024 Treasurer's Report

Ms. Kelcey Traynoff presented and requested approval of the June 2024 Treasurer's Reports. Commissioner Maine asked about the vacation payout and sick payout in the SMC Treasurer's Report. Mr. Woolford explained that SMC recently had two employees retire, which resulted in the vacation and sick payout values being negative.

A motion to approve was made by Commissioner Maine, seconded by Commissioner Hewitt. Motion passed by a unanimous roll call vote.

Aye: 8 - Commissioner - Alternate Casbon, Commissioner Hewitt, Commissioner Hood, Commissioner Hunter, Commissioner Maine, Commissioner - Alternate Parekh, Commissioner Rockingham and Commissioner - Alternate Weidenfeld

7.2 24-0895

Approval of Joint-Funding Agreement with the United States Geological Survey (USGS) for operation and maintenance of stream and precipitation gauges, in the amounts of \$15,940

Ms. Sharene Gould Dulabaum requested approval of the joint-funding agreement with the United States Geological Survey (USGS) for the operation and maintenance of stream and precipitation gauges, in the amount of \$15,940. Commissioner Maine asked is SMC had a gauge at Route 22? Mr. Woolford stated that there is a separate agreement for the gauge at Route 22 and Ms. Gould Dulabaum noted that this agreement is renewed every three years, and the next renewal period would be in 2026.

A motion to approve was made by Commissioner Hunter, seconded by Commissioner - Alternate Casbon. Motion passed by a unanimous roll call vote.

Aye: 8 - Commissioner - Alternate Casbon, Commissioner Hewitt, Commissioner Hood, Commissioner Hunter, Commissioner Maine, Commissioner - Alternate Parekh, Commissioner Rockingham and Commissioner - Alternate Weidenfeld

7.3 24-0875

Approval of Revised Wetland Restoration Fund Fees

Mr. Brian Frank requested approval of the revised wetland restoration fund fees. Mr. Frank explained that the fees increased by about 5.5% and the proposed fees are based on the Consumer Price Index Inflation Calculator tool. Commissioner Maine asked if staff looked to see if the underlying differential costs were still consistent between the watersheds? Mr. Frank explained that staff did not recalculate costs and that the increase was done for the purpose of inflation. Commissioner Maine stated that for future fee increases, she would like to see an analysis showing that the baseline numbers are reflecting what is happening in the watersheds.

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

Aye: 8 - Commissioner - Alternate Casbon, Commissioner Hewitt, Commissioner Hood, Commissioner Hunter, Commissioner Maine, Commissioner - Alternate Parekh, Commissioner Rockingham and Commissioner - Alternate Weidenfeld

7.4 24-0896

Approval of FY25 Line-Item Budget Request

Mr. Woolford presented the FY25 line-item budget request and requested approval. Mr. Woolford explained that the desk review with the County Administrator for the line-item budget will be on August 11th and the draft budget has been submitted. Mr. Woolford added that SMC is within the targets that the county has provided. Mr. Woolford explained that the 71150 line item was for typical operational consultants and the 71170 line item was specifically created for design and engineering for the Capital Improvement Program (DCEO). SMC is requesting to move all remaining funds from the FY24 budget to the 71170 account and adding \$300,000 in the FY25 budget to assist with project contingency. Commissioner Maine asked if the consultants were required to use the ArcGIS Pro 3 software that was listed under the 71150 account? Mr. Woolford explained that the consultant would be using ArcGIS Pro 3, or an equivalent software to model overland flow paths.

A motion to approve was made by Commissioner - Alternate Casbon, seconded by Commissioner Hunter. Motion passed by a unanimous roll call vote.

Aye: 8 - Commissioner - Alternate Casbon, Commissioner Hewitt, Commissioner Hood, Commissioner Hunter, Commissioner Maine, Commissioner - Alternate Parekh, Commissioner Rockingham and Commissioner - Alternate Weidenfeld

7.5 24-0901

Four Corners Basin Property Transfer

Mr. Woolford began the discussion the Four Corners Basin property transfer. Mr. Woolford explained that SMC continues to seek a local sponsor for the Four Corners project and he has concerns about SMC taking ownership of this property without dedicated funding for long-term ownership and maintenance. Commissioner Hunter asked what the chances are of getting a local sponsor for the project? Commissioner Weidenfeld asked if the surrounding municipalities have refused to partner on this project? Several Commissioners voiced their concern about SMC taking ownership of this property and being responsible for post-construction maintenance.

A motion to table was made by Commissioner Hunter, seconded by Commissioner Hewitt, that this communication or report be tabled. The motion carried by the following voice vote.

Aye: 8 - Commissioner - Alternate Casbon, Commissioner Hewitt, Commissioner Hood, Commissioner Hunter, Commissioner Maine, Commissioner - Alternate Parekh, Commissioner Rockingham and Commissioner - Alternate Weidenfeld

7.6 24-0866

Approval of DCEO Round 2 Pre-Award Intergovernmental Agreement with the Village of Lake Bluff for the West Scranton Avenue Viaduct Project Phase 1

Mr. Mike Prusila presented and requested approval of the DCEO Round 2 pre-award IGA with the Village of Lake Bluff for the West Scranton Avenue Viaduct Project Phase 1.

A motion to approve agenda items 7.6 through 7.13 as one item was made by Commissioner - Alternate Weidenfeld, seconded by Commissioner Hood. Motion passed by a unanimous roll call vote.

Aye: 8 - Commissioner - Alternate Casbon, Commissioner Hewitt, Commissioner Hood, Commissioner Hunter, Commissioner Maine, Commissioner - Alternate Parekh, Commissioner Rockingham and Commissioner - Alternate Weidenfeld

7.7 24-0868

Approval of DCEO Round 2 Pre-Award Intergovernmental Agreement with the Village of Lake Zurich for the North Branch Buffalo Creek Improvements at Bristol Trails Park Project

Mr. Prusila presented and requested approval of the DCEO Round 2 pre-award IGA with the Village of Lake Zurich for the North Branch Buffalo Creek Improvements at Bristol Trails Park project.

A motion to approve agenda items 7.6 through 7.13 as one item was made by Commissioner - Alternate Weidenfeld, seconded by Commissioner Hood. Motion passed by a unanimous roll call vote.

Aye: 8 - Commissioner - Alternate Casbon, Commissioner Hewitt, Commissioner Hood, Commissioner Hunter, Commissioner Maine, Commissioner - Alternate Parekh, Commissioner Rockingham and Commissioner - Alternate Weidenfeld

7.8 24-0869

Approval of DCEO Round 2 Pre-Award Intergovernmental Agreement with the Village of Lindenhurst for the Rose Tree Drainage Outfall Remediation Project

Mr. Mike Prusila presented and requested approval of the DCEO Round 2 pre-award IGA with the Village of Lindenhurst for the Rose Tree Drainage Outfall Remediation project.

A motion to approve agenda items 7.6 through 7.13 as one item was made by Commissioner - Alternate Weidenfeld, seconded by Commissioner Hood. Motion passed by a unanimous roll call vote.

Aye: 8 - Commissioner - Alternate Casbon, Commissioner Hewitt, Commissioner Hood, Commissioner Hunter, Commissioner Maine, Commissioner - Alternate Parekh, Commissioner Rockingham and Commissioner - Alternate Weidenfeld

7.9 24-0870

Approval of DCEO Round 2 Pre-Award Intergovernmental Agreement with the Village of North Barrington for the Grassmere, Haverton, and Oaksbury Pond Drainage Improvements Project
Mr. Prusila presented and requested approval of the DCEO Round 2 pre-award IGA with the Village of North Barrington for the Grassmere, Haverton, and Oaksbury Pond Drainage Improvements project.

A motion to approve agenda items 7.6 through 7.13 as one item was made by Commissioner - Alternate Weidenfeld, seconded by Commissioner Hood. Motion passed by a unanimous roll call vote.

Aye: 8 - Commissioner - Alternate Casbon, Commissioner Hewitt, Commissioner Hood, Commissioner Hunter, Commissioner Maine, Commissioner - Alternate Parekh, Commissioner Rockingham and Commissioner - Alternate Weidenfeld

7.10 24-0871

Approval of DCEO Round 2 Pre-Award Intergovernmental Agreement with the Skokie Consolidated Drainage District for the Skokie River Channel Improvements Project Phase 3
Mr. Prusila presented and requested approval of the DCEO Round 2 pre-award IGA with the Skokie Consolidated Drainage District for the Skokie River Channel Improvements project.

A motion to approve agenda items 7.6 through 7.13 as one item was made by Commissioner - Alternate Weidenfeld, seconded by Commissioner Hood. Motion passed by a unanimous roll call vote.

Aye: 8 - Commissioner - Alternate Casbon, Commissioner Hewitt, Commissioner Hood, Commissioner Hunter, Commissioner Maine, Commissioner - Alternate Parekh, Commissioner Rockingham and Commissioner - Alternate Weidenfeld

7.11 24-0872

Approval of DCEO Round 2 Pre-Award Intergovernmental Agreement with the Village of Wauconda for the Bangs Lake Outfall Improvements Project
Mr. Prusila presented and requested approval of the DCEO Round 2 pre-award IGA with the Village of Wauconda for the Bangs Lake Outfall Improvements project.

A motion to approve agenda items 7.6 through 7.13 as one item was made by Commissioner - Alternate Weidenfeld, seconded by Commissioner Hood. Motion passed by a unanimous roll call vote.

Aye: 8 - Commissioner - Alternate Casbon, Commissioner Hewitt, Commissioner Hood, Commissioner Hunter, Commissioner Maine, Commissioner - Alternate Parekh, Commissioner Rockingham and Commissioner - Alternate Weidenfeld

7.12 24-0873

Approval of DCEO Round 2 Pre-Award Intergovernmental Agreement with the Village of Round Lake Beach for the Round Lake Drain Master Plan Project Phase 1

Mr. Prusila presented and requested approval of the DCEO Round 2 pre-award IGA with the Village of Round Lake Beach for the Round Lake Drain Master Plan Project Phase 1.

A motion to approve agenda items 7.6 through 7.13 as one item was made by Commissioner - Alternate Weidenfeld, seconded by Commissioner Hood. Motion passed by a unanimous roll call vote.

Aye: 8 - Commissioner - Alternate Casbon, Commissioner Hewitt, Commissioner Hood, Commissioner Hunter, Commissioner Maine, Commissioner - Alternate Parekh, Commissioner Rockingham and Commissioner - Alternate Weidenfeld

7.13 24-0897

Approval of DCEO Round 2 Pre-Award Intergovernmental Agreement with the Village of Kildeer for the Buffalo Creek Watershed Stormwater Improvements Project

Mr. Prusila presented and requested approval of the DCEO Round 2 pre-award IGA with the Village of Kildeer for the Buffalo Creek Watershed Stormwater Improvements project.

A motion to approve agenda items 7.6 through 7.13 as one item was made by Commissioner - Alternate Weidenfeld, seconded by Commissioner Hood. Motion passed by a unanimous roll call vote.

Aye: 8 - Commissioner - Alternate Casbon, Commissioner Hewitt, Commissioner Hood, Commissioner Hunter, Commissioner Maine, Commissioner - Alternate Parekh, Commissioner Rockingham and Commissioner - Alternate Weidenfeld

7.14 24-0898

Approval of DCEO-STOCIP policy modification to waive the Project Expense Match (PEM) requirement for Round 2 Township projects managed by a Local Sponsor other than SMC.

Commissioner Rockingham requested a motion and a second for this agenda item. Motion to approve made by Casbon, second by Maine.

Mr. Woolford provided a brief overview of the DCEO-STOCIP policy requiring the payment of a Project Expense Match (PEM). Mr. Woolford explained that many Township budgets are often limited, and present significant challenges to complete projects in areas managed solely by Townships. Mr. Woolford noted that the DCEO Round 2 project list includes one Township project: Horatio Gardens project in Vernon Township, which will be managed by the Village of Buffalo Grove, per agreement. Commissioner Maine suggested that, in the future, an attachment be included showing what the current policy is and what the proposed changes are. Commissioner Casbon suggested that a policy reflecting the changes for the Townships with specific language and appropriate attachments be brought back to the Commission at a future meeting.

Based on the comments from the Commissioners, SAO Attorney Chief Stalter suggested that the motion be to waive the project expense match requirement for the Horatio Gardens Drainage Improvement Project, as the project is managed by a local sponsor other than SMC.

A motion to amend was made by Commissioner Hood, seconded by Commissioner

- Alternate Weidenfeld. Motion passed by a unanimous roll call vote.

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

Aye: 8 - Commissioner - Alternate Casbon, Commissioner Hewitt, Commissioner Hood, Commissioner Hunter, Commissioner Maine, Commissioner - Alternate Parekh, Commissioner Rockingham and Commissioner - Alternate Weidenfeld

7.15 24-0899

DCEO Round 2 Pre-Award Intergovernmental Agreement with the Village of Buffalo Grove for the Northwood Subdivision Stormwater Improvements -Phase 1 and Horatio Gardens Drainage Improvement Projects in the amount of \$204,200

Mr. Prusila presented and requested approval of the DCEO Round 2 pre-award IGA with the Village of Buffalo Grove for the Northwood Subdivision Improvements – Phase 1 and Horatio Gardens Drainage Improvement Projects in the amount of \$204,200. Mr. Prusila explained that there is a provision in the IGA to reimburse the Village up to \$204,200 for engineering costs if the Horatio Gardens portion of the work is not reimbursed by DCEO. SMC anticipates that this cost will be reimbursed under the grant, as part of the \$2.75M that will be allocated to the Horatio Gardens project.

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

Aye: 8 - Commissioner - Alternate Casbon, Commissioner Hewitt, Commissioner Hood, Commissioner Hunter, Commissioner Maine, Commissioner - Alternate Parekh, Commissioner Rockingham and Commissioner - Alternate Weidenfeld

7.16 24-0900

Authorization for the Executive Director to Negotiate and Enter into a Contract with Baxter & Woodman, Inc. for an Amount Not to Exceed \$80,000

Mr. Prusila presented and requested approval of authorization for the Executive Director to negotiate and enter into a contract with Baxter & Woodman, Inc. for an amount not to exceed \$80,000, to assist with the update to the Comprehensive Stormwater Management Plan.

A motion to approve was made by Commissioner - Alternate Casbon, seconded by Commissioner Maine. Motion passed by a unanimous roll call vote.

Aye: 8 - Commissioner - Alternate Casbon, Commissioner Hewitt, Commissioner Hood, Commissioner Hunter, Commissioner Maine, Commissioner - Alternate Parekh, Commissioner Rockingham and Commissioner - Alternate Weidenfeld

7.17 24-0883

Technical Advisory Committee (TAC) Appointments

Ms. Traynoff requested ratification of Sam Hertel as an alternate member for SMC's Technical Advisory Committee (TAC).

A motion to approve was made by Commissioner Hewitt, seconded by Commissioner Hunter. Motion passed by a unanimous roll call vote.

Aye: 8 - Commissioner - Alternate Casbon, Commissioner Hewitt, Commissioner Hood, Commissioner Hunter, Commissioner Maine, Commissioner - Alternate Parekh, Commissioner Rockingham and Commissioner - Alternate Weidenfeld

7.18 24-0880

Approval of Watershed Development Ordinance (WDO) Community Recertifications

- City of Highland Park
- Village of Green Oaks

Mr. Brian Frank presented and requested approval of WDO Community Recertification for the following communities.

- *City of Highland Park (Standard)*
- *Village of Green Oaks (Standard and Isolated Wetland)*

A motion to approve was made by Commissioner Hewitt, seconded by Commissioner - Alternate Casbon. Motion passed by a unanimous voice vote.

Aye: 8 - Commissioner - Alternate Casbon, Commissioner Hewitt, Commissioner Hood, Commissioner Hunter, Commissioner Maine, Commissioner - Alternate Parekh, Commissioner Rockingham and Commissioner - Alternate Weidenfeld

7.19 24-0882

Village of Hainesville Petition for Stormwater Management Commission Standard Certification

Mr. Brian Frank presented and requested approval of WDO Community Recertification for the following communities.

- *City of Highland Park (Standard)*
- *Village of Green Oaks (Standard and Isolated Wetland)*

Ms. Susan Pribyl, with the Manitou Creek Watershed Alliance, provided public comment on the Village of Hainesville's petition for SMC standard certification. Ms. Pribyl voiced her concern regarding the wetland violation at the Northbrook Sports Club in Hainesville and the Village's ability to continue as a certified community. Mayor Gerry Daley, from the Village of Hainesville, provided public comment on Hainesville not being approved for recertification by the Commission at the June SMC meeting. Mayor Daley provided information on the action the Village has taken to work with the Northbrook Sports Club since the wetland violation occurred. Mayor Daley also introduced the Village's Enforcement Officer, Jacob Wellbank, and Certified Wetland Specialist, Vince Mosca, who were both in attendance. Mayor Daley explained that getting the wetland violation into compliance was held up because the Sports Club was waiting for a Jurisdictional Determination for the U.S. Army Corps of Engineers. Mr. Mosca spoke on his experience with wetland violations and fines. Ms. Mary Handelsman stated that she believed that if SMC were involved in the enforcement from the beginning that the violation would not

have turned into what it did.

Mr. Frank presented and requested approval of standard certification, with a condition, for the Village of Hainesville.

Staff recommended condition: SMC and the Village will continue coordination to resolve the non-compliant development, located southwest of W. Belvidere Road and S. Hainesville Road (PIN: 0633300008). WDO compliance is required to assure the development does not increase flood and drainage hazards to others, or create unstable conditions susceptible to erosion [WDO Purpose 102.03].

Commissioner Maine asked who would be performing project review and permitting for the Village while they had this condition placed on their certification? Mr. Woolford explained that, per the condition, SMC would only be involved in anything related to the specified site. Mr. Woolford also clarified that the wetland violation was a single known occurrence, in contrast to multiple violations, which would typically be a factor in not recertifying a community. Commissioner Maine added that she would feel more comfortable if SMC concurrently reviewed standard and wetland project submittals for the Village while they were certified with a condition.

After additional discussion between the Commission members and SMC staff, motion to approve the Village of Hainesville as a standard certified community, with a condition, made by Commissioner Hood, seconded by Commissioner - Alternate Casbon. The motion carried by the following roll call vote:

- Aye:** 5 - Commissioner - Alternate Casbon, Commissioner Hood, Commissioner Hunter, Commissioner Maine and Commissioner Rockingham
- Nay:** 2 - Commissioner Hewitt and Commissioner - Alternate Weidenfeld
- Not Present:** 1 - Commissioner - Alternate Parekh

7.20 24-0881

Village of Hainesville Petition for Isolated Wetland Certification

Mr. Frank presented and requested approval of isolated wetland certification, with a condition, for the Village of Hainesville.

Staff recommended condition: SMC and the Village will continue coordination to resolve the non-compliant development, located southwest of W. Belvidere Road and S. Hainesville Road (PIN: 0633300008). WDO compliance is required to assure the development does not increase flood and drainage hazards to others, or create unstable conditions susceptible to erosion [WDO Purpose 102.03].

A motion to approve the Village of Hainesville for isolated wetland certification, with a condition, made by Commissioner Rockingham, seconded by Commissioner Hood. The motion carried by the following roll call vote:

Aye: 5 - Commissioner - Alternate Casbon, Commissioner Hood, Commissioner Hunter, Commissioner Maine and Commissioner Rockingham

Nay: 2 - Commissioner Hewitt and Commissioner - Alternate Weidenfeld

Not Present: 1 - Commissioner - Alternate Parekh

INFORMATION SECTION

8.1 24-0859

June 2024 Regulatory Reports

Ms. Traynoff presented the Regulatory Reports and Wetland Restoration Fund (WRF) Status for June 2024.

Correspondence

Community Relations/Public Info

8.3. 24-0876

a

Rainfall report June 22 2024 through June 25 2024

Mr. Frank provided information on the rainfall for the county from June 22nd to the 25th. More than six inches of rain fell over this three day period.

8.3. 24-0879

b

Stormwater Management Commission Regulatory Permitting Guidance on Vegetation Removal

Mr. Frank discussed the Regulatory Guidance Memo (RGM) for Vegetation Removal. This was reviewed and approved by SMC's Technical Advisory Committee and provides guidance on when vegetation clearing requires permit.

8.3. 24-0861

c

2024 Homeowners Association (HOA) Workshop September 12, 2024

Mr. Frank and Ms. Gould Dulabaum shared information on the 2024 Homeowners Association Workshop being held on September 12th. This will be a hybrid event held virtually through Zoom and in-person at the Central Permit Facility.

9. EXECUTIVE SESSION

10. ADJOURNMENT

Secretary Rockingham adjourned the meeting at 8:18pm.