

Lake County Illinois

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



Minutes Report - Draft

Thursday, February 2, 2023

6:00 PM

**REVISED START TIME: 6:00 PM or 15 minutes following
adjournment of Special Meeting, whichever is later**

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/85739162129>

Meeting ID: 857 3916 2129

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 6:10 p.m.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Others present: Lisle Stalter, Amy Wagner, Sandaria Morgan (V), Geoff Perry (V) and SMC Staff: Kurt Woolford, Dijana Silber, Susan Novak, Glenn Westman, Mike Prusila, Jacob Jozefowski, Michelle Pope, Brian Frank (V)

Present 9 - Commissioner Frank, Municipal Representative - Alternate Gust, Commissioner Hewitt, Commissioner Maine, Commissioner Pedersen, Municipal Representative - Alternate Ryback, Chair Schmit, Municipal Representative - Alternate Talbett and Municipal Representative - Alternate Weidenfeld

4. PUBLIC COMMENT

Chairman Schmit asked if there were any public comments. There were none.

5. 23-0204

Approval of SMC January 5, 2023 meeting minutes

Approval was requested for the January 5, 2023 minutes.

A motion to approve the January 5, 2023 minutes was made by Alternate Gust, seconded by Commissioner Hewitt. Motion passed by unanimous voice vote.

Aye: 9 - Commissioner Frank, Municipal Representative - Alternate Gust, Commissioner Hewitt, Commissioner Maine, Commissioner Pedersen, Municipal Representative - Alternate Ryback, Chair Schmit, Municipal Representative - Alternate Talbett and Municipal Representative - Alternate Weidenfeld

6. COMMISSION REPORTS

6.1 Director's Report

6.1.a 23-0215

Brief Presentation on WRDA 2022 Environmental Infrastructure Funding Authorization for Lake and Cook Counties

Executive Director, Kurt Woolford, briefly presented the 2022 Water Resources Development Act (WRDA). Mr. Woolford began by explaining the Section 219 Environmental Infrastructure Program. He explained that this Act is applicable to any water-related infrastructure, including public water supply and wastewater. The Section 2019 Environmental Infrastructure Program is very broad, the application process requires a 25% non-federal match requirement, and Lake County is now included in the authorization. The project selection and design are within the local government's discretion but once the agreement with the Corps is entered into, the projects are handed off to the Corps for construction. Mr. Woolford explained that the concern with the 25% non-federal match requirement is that if the Corps decides that extra work needs to be done as part of the project and the project cost increases, the 25% match will also increase. Commissioner Maine believed that any amount over the initial project cost would come

back in full. Chairman Schmit stated that he would want the end date to be clarified and would like to know what would happen if the project cost increased significantly. Commissioner Frank asked if Mr. Woolford was able to learn anything more about the origins of the legislative amendment and how the funding allocation is split between Cook County and Lake County. Mr. Woolford explained that he doesn't know the source of the legislation but Cook County originally had \$35M and requested to increase the funding amount by \$20M, and during the legislative process there was an amendment to change the authorization to include Lake County and increase the authorization to \$100M. Mr. Woolford also explained that Cook County could use all of the authorized funding but based on feedback from the Corps, they do not anticipate single projects exceeding several million dollars each and the \$100M limit can be increased by Congress. Commissioner Frank also asked if SMC is the designated authorized agent to submit projects for the County or can municipalities submit on their own? Mr. Woolford explained that any unit of government in the Lake County geographic area can submit projects. Commissioner Talbett asked Mr. Woolford if he thought SMC would do well in receiving some of the funding? Mr. Woolford answered yes and explained that there are typically two pathways to obtain funding: 1. Through congressional direct spending (ear-mark process) or 2. Through agency-managed funding (Corps work program budget).

6.1. 23-0207

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Fiscal Year 2023 Economic Development Initiative Community Project Funding Notification

Mr. Woolford briefly discussed an email regarding additional grant funding for the Scranton Avenue Viaduct project in the Village of Lake Bluff. SMC will be the grantee to receive these grant funds.

6.1.c 23-0214

Updated Illinois State Water Plan - December 2022

Mr. Woolford discussed the updates to the Illinois State Water Plan. The updates were completed in December of 2022 and some of the highlights from the plan included increased funding for green infrastructure, water quality, and the establishment of a state-wide authority to regulate isolated wetlands. There are also new sections for environmental justice and climate change.

Mr. Woolford also mentioned the Lake County All-Natural Hazard Mitigation Plan that SMC works on with the Lake County Emergency Management Agency. This plan is required for non-emergency funding through FEMA and must be updated every five years. SMC is wrapping up the final draft and will be opening a 30-day public comment period on February 17th. Mr. Woolford stated that staff would report back to the Commission on any public comment received. Once the plan is submitted to the Illinois Emergency Management Agency and comments are provided to staff, it will go through SMC approval, and then to the County Board for final approval.

6.2 Chairman's Report

Chairman Schmit discussed a meeting held with County officials to discuss the DCEO projects, SMC's budget increasing significantly, and staff capacity concerns that have

come up. Chairman Schmit explained that SMC hired one staff member to manage the DCEO projects and \$1.5M was spent on consulting services for the DCEO program. SMC is interested in creating four new positions to assist with the Capital Improvement Program, which will help to provide better services at a lower cost to County residents.

6.3 Commissioner's Report

7. ACTION ITEMS

7.1 23-0205

January 2023 Treasurer's Report

Dijana Silber presented the SMC, RSMP, DRWW, NBWW Treasurer's Reports for January 2023.

A motion to approve February 2023 Treasurer's Reports was made by Commissioner Hewitt, seconded by Alternate Gust. Motion passed by unanimous roll call vote.

Aye: 9 - Commissioner Frank, Municipal Representative - Alternate Gust, Commissioner Hewitt, Commissioner Maine, Commissioner Pedersen, Municipal Representative - Alternate Ryback, Chair Schmit, Municipal Representative - Alternate Talbett and Municipal Representative - Alternate Weidenfeld

7.2 23-0206

Approval of Fiscal Year 2023 SMC Carry Over

Mr. Woolford presented and requested approval of SMC's FY23 carry overs. Mr. Woolford explained the memo attachments and also explained that for Round 1 of the DCEO, approximately \$867,000 is being carried over from municipal revenues, which will be used to help fund the four new positions. For DCEO Round 2, another \$30M has been discussed with legislators for the State FY24 budget, which begins July 1st.

A motion to approve Fiscal Year 2023 SMC Carry Over was made by Alternate Ryback, seconded by Alternate Talbett. Motion passed by a unanimous roll call vote.

Aye: 9 - Commissioner Frank, Municipal Representative - Alternate Gust, Commissioner Hewitt, Commissioner Maine, Commissioner Pedersen, Municipal Representative - Alternate Ryback, Chair Schmit, Municipal Representative - Alternate Talbett and Municipal Representative - Alternate Weidenfeld

7.3 23-0026

Ratification of 2023 Technical Services Agreement NBWW North Shore Water Reclamation Drainage District

Mike Prusila presented and requested ratification of the 2023 Technical Services Agreement between the NBWW and the North Shore Water Reclamation Drainage District.

A motion to ratify 2023 Technical Services Agreement between the NBWW and the North Shore Water Reclamation Drainage District was made by Commissioner Maine, seconded by Alternate Gust. Motion passed by a unanimous roll call vote

Aye: 9 - Commissioner Frank, Municipal Representative - Alternate Gust, Commissioner Hewitt, Commissioner Maine, Commissioner Pedersen, Municipal Representative - Alternate Ryback, Chair Schmit, Municipal Representative - Alternate Talbett and Municipal Representative - Alternate Weidenfeld

7.4 Authorization to create full-time staff positions: two (2) Water Resources Professionals, one (1) Principal Engineer, and one (1) Principal Wetland Specialist.

Mr. Woolford began the discussion on the authorization to create four full-time staff positions. This would allow SMC to hire two Water Resources Professionals, one Principal Engineer, and one Principal Wetland Specialist. The additional staff will help to provide more efficiency, save on costs, and help to keep projects on schedule. Mr. Woolford explained that he met with the County's CFO and a new account was created in order to pay the wages for the four new positions. There will be a line item transfer from the engineering consultants account to the new DCEO project expense wages account. Commissioner Pedersen asked if the new hired staff will know that the positions are temporary? Mr. Woolford answered that yes, the new staff will know the positions are subject to available Capital Improvement Program funding and he is forecasting these positions to be funded through at least the first quarter of 2027. Commissioner Pedersen asked Mr. Woolford to confirm if SMC was still going to use consultants? Mr. Woolford confirmed that yes, SMC will still use consultants, but the new staff will provide oversight and management. Commissioner Maine asked if the county committees will approve the positions or just the appropriation? Mr. Woolford stated that the county committees would approve the line item transfer. Commissioner Maine asked if these hires would go through the standard HR hire process to ensure they are eligible for insurance, IMRF, etc.? Mr. Woolford stated that yes, these hires will go through the standard HR process. Commissioner Maine asked if these positions could be considered a raise for any of the current staff? Mr. Woolford explained that many of SMC's staff are currently in the same salary grade levels of the new positions, therefore lateral transfers in the same salary grade would not be eligible for salary increase. Commissioner Ryback asked if the new staff would be working with SMC's current Regulatory staff? Mr. Woolford explained that the new positions will not have primary responsibilities for SMC's Regulatory program however, there will be interaction to assure project timelines are being met.

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

Aye: 9 - Commissioner Frank, Municipal Representative - Alternate Gust, Commissioner Hewitt, Commissioner Maine, Commissioner Pedersen, Municipal Representative - Alternate Ryback, Chair Schmit, Municipal Representative - Alternate Talbett and Municipal Representative - Alternate Weidenfeld

7.5 23-0208

Approval of an Intergovernmental Agreement between SMC and the Village of Wauconda for Fiscal Year 2023 SIRC Jackson Avenue Bioswale and Spillway Improvement Project (contract value \$40,000)

Michelle Pope presented and requested approval of the Intergovernmental Agreement between SMC and the Village of Wauconda for the Fiscal Year 2023 SIRF Jackson Avenue Bioswale and Spillway Improvement Project.

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

Aye: 8 - Commissioner Frank, Municipal Representative - Alternate Gust, Commissioner Hewitt, Commissioner Pedersen, Municipal Representative - Alternate Ryback, Chair Schmit, Municipal Representative - Alternate Talbett and Municipal Representative - Alternate Weidenfeld

Not Present: 1 - Commissioner Maine

7.6 23-0209

Approval of Agreement between the SMC and the Lake Eleanora Estates Homeowner's Association for Fiscal Year 2023 SIRF Lake Eleanora Drainage Improvements in Long Grove (contract value \$50,000)

Jacob Jozefowski presented and requested approval of the Agreement between the SMC and the Lake Eleanora Estates Homeowner's Association for the Fiscal Year 2023 SIRF Lake Eleanora Drainage Improvements project in Long Grove. Mr. Jozefowski explained that per the discussion at the January 5th SMC meeting, the maintenance language was included in the Agreement.

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

Aye: 8 - Commissioner Frank, Municipal Representative - Alternate Gust, Commissioner Hewitt, Commissioner Pedersen, Municipal Representative - Alternate Ryback, Chair Schmit, Municipal Representative - Alternate Talbett and Municipal Representative - Alternate Weidenfeld

Not Present: 1 - Commissioner Maine

7.7 23-0210

Approval of 1-year Extension for Wetland Restoration Fund - Lake Michigan Watershed Account

Mr. Woolford presented and requested approval of a 1-year extension for the Lake Michigan Watershed account in the Wetland Restoration Fund.

A motion to approve was made by Commissioner Pedersen, seconded by Alternate Ryback. Motion passed by a unanimous roll call vote.

Aye: 8 - Commissioner Frank, Municipal Representative - Alternate Gust, Commissioner Hewitt, Commissioner Pedersen, Municipal Representative - Alternate Ryback, Chair Schmit, Municipal Representative - Alternate Talbett and Municipal Representative - Alternate Weidenfeld

Not Present: 1 - Commissioner Maine

8. INFORMATION SECTION

8.1 23-0217

Regulatory Reports January 2023

Mr. Woolford presented the Regulatory Reports for January 2023.

8.2 Correspondence

8.3 Community Relations/Public Info

8.3.a 23-0212

Isolated Wetlands Program Update through 2022

Glenn Westman provided an update on SMC's Isolated Wetlands Program. In the 21 years of the program, through mitigation required by the WDO, there is a net gain of 60 acres of wetlands in Lake County. Mr. Westman explained that 1 acre of wetland can store approximately one million gallons of flood water. SMC has seen a trend of development sites wanting to preserve the wetland areas rather than impact them. There are over 800 acres of preserved isolated wetlands on development sites throughout Lake County.

8.3. 23-0213

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2023 Designated Erosion Control Inspector Workshop

Mr. Woolford updated the Commission on the 2023 DECI Workshop being held on February 21st.

8.4 23-0249

Capital Improvement Projects February 2023 Status

Mr. Kurt Woolford provided a brief update on the Capital Improvement Projects as of February 2023. Ms. Susan Novak provided an update on a booklet SMC is putting together that lists all of the DCEO projects with letters of support. Ms. Novak explained that the booklet is going to the State legislators at the end of March and the booklet will be a compilation of 2022 accomplishments for all of the projects and the plan for future DCEO rounds of funding. Commissioner Frank agreed that the booklet will be beneficial and stated that the booklet should be accompanied by a phone call from either Chairman Schmit or Mr. Woolford to explain what the booklet is.

9. EXECUTIVE SESSION

10. ADJOURNMENT

A motion to adjourn was made by Alternate Talbett, seconded by Alternate Ryback. Motion passed by a unanimous voice vote. Meeting adjourned at 7:07pm.

Aye: 8 - Commissioner Frank, Municipal Representative - Alternate Gust, Commissioner Hewitt, Commissioner Pedersen, Municipal Representative - Alternate Ryback, Chair Schmit, Municipal Representative - Alternate Talbett and Municipal Representative - Alternate Weidenfeld

Not Present: 1 - Commissioner Maine