

**MCHENRY COUNTY STORMWATER COMMISSION
MEETING MINUTES
MARCH 26, 2009**

Present: Chairman Anna May Miller, Scott Breeden, Virginia Peschke, Pete Merkel, Bob Wagner, Tom Kierna, Doug Maxeiner, Stan Duda, Mary McCann, and Brian Sager

Absent: Barb Wheeler and Aaron Shepley/Victor Ramirez

Staff: Mark Phipps, Alicia Law, and Audrey Martin

CALL TO ORDER

Chairman Miller called the meeting to order at 7:31 a.m.

APPROVAL OF MINUTES

Motion by Ms. Peschke, seconded by Mr. Wagner to approve the minutes of February 27, 2009. All members present voting aye. Motion carried.

PUBLIC COMMENT

Mr. Jim Pecoraro, from Crystal Lake, stated he and his neighbor share a depressional area with three or four other property owners where the stormwater flows. Over the last 15 -20 years, his neighbor has gradually filled in the depressional area. Mr. Pecoraro's concern is that his neighbor is taking up space for stormwater and is not supplying any drainage and the water is draining on Mr. Pecoraro's property. Mr. Pecoraro asked why his neighbor does not have to supply drainage while he is developing his property.

Ms. Miller suggested Mr. Pecoraro contact the Department of Planning and Development and direct his questions to staff.

PRESENTATIONS

a) Report From TAC

Mr. Phipps introduced Mr. Stephen Bicking, the Chairman of the Technical Advisory Committee. Mr. Bicking gave the following update to the Commission.

- The TAC has been discussing revisions to the Stormwater Ordinance.
- A subcommittee has been created to address the Wetland Restoration Fund
- They are reviewing the County Wide Permit, which will expedite the permitting process for certain small projects.

- They will be addressing a letter from the Soil and Water Conservation District regarding changes to the Ordinance they would like to see.

b) Proposed SMO Amendments

Mr. Phipps reviewed the process of adopting the amendments. He stated if the Committee was in favor of adopting the amendments, the next step would be to forward them on to IDNR and FEMA for their review. From there, the Stormwater Commission would have public notice so the public can comment on the changes. The Stormwater Commission would forward the recommendations to the Natural and Environmental Resources Committee and then to the County Board. The certified communities would also be required to adopt the changes. A minor word change was recommended. Mr. Phipps will contact the States Attorney's office regarding the change. It was agreed after the SAO's review, the recommendations will be forwarded to FEMA and IDNR.

DISCUSSION ITEMS

a) Adoption of SMO Amendments

Motion by Mr. Kierna, seconded by Mr. Duda to move forward with the proposed SMO amendments. All members present voting aye. Motion carried.

b) Selection of Officers

Ms. Miller told the Commission she would like to remain as the Chairman of the Stormwater Commission. Mr. Phipps explained there are 4 officer positions; one of the requirements is that those positions be equally divided between the municipal representatives and the County Board members. The four positions are Chairman, Vice Chair, Treasurer and Secretary. This will be placed as an action item on the next agenda.

ACTION ITEMS

a) Community Recertification

Mr. Phipps said he sent letters to the non-certified communities asking if they are interested in becoming a certified community. None of the non-certified communities indicated any interest in being certified. He also sent letters to the 16 certified communities asking them to submit a petition for recertification if they wish to maintain their certification. Of the 16 certified communities, 15 submitted a petition for recertification. The city of Harvard elected not to be recertified. There are seven communities up for discussion. Mark recommended the following communities receive full certification without any conditions or provisions attached.

- Village of Lake in The Hills
- Village of Richmond
- Village of Spring Grove
- Village of Union
- City of Woodstock

Comment [MGP1]: Mayor Sager recommended a word change for one of the amendments and I'm supposed to contact the SAO about the change. But it was my understanding that the amendments do not need to come back to the MCSC before we send them to FEMA and IDNR. I'm not sure how this should be written into the minutes, though.

Motion by Ms. Peschke, seconded by Mr. Duda to recommend full recertification to the Villages of Lake in The Hills, Richmond, Spring Grove, Union and the City of Woodstock. All members presents voting aye. Motion carried.

Mr. Phipps stated the Village of Ringwood has been certified. They were provisionally certified, the provision being they were required to join the National Flood Insurance Program. They are still pursuing their participation in the program. The option in the Stormwater Ordinance for provisional certification for communities that want to be certified, but do not have the capacity to be fully certified, is an Interagency Agreement between the Stormwater Commission and the municipality. The agreement with the Village of Ringwood states they would operate as a full certified community for any development that does not have a FEMA special flood hazard area identified on it. If it does, they would defer the authority to issue a stormwater management permit to the Planning and Development Department.

Mr. Phipps recommended provisional certification according to the interagency agreement.

Motion by Ms. Peschke, seconded by Mr. Kierna to grant provisional certification to the Village of Ringwood according to the Interagency Agreement. All members present voting aye. Motion carried.

Mr. Phipps stated as a part of his review for recertification, he requested stormwater management permit files that had been issued from each of the communities to confirm they were requiring the correct information to issue those permits. When he reviewed the Village of Wonder Lake's files, he found there were deficiencies on more than one file. He spoke to the Village and their engineer and stated that he could only recommend recertification with the condition that over the first year of recertification, they meet with staff once at 6 months and again at 12 months to review their files to be certain they are requiring the correct information and the Stormwater Ordinance is being enforced. If there are no issues in the first year, they would retain their full certification. The Village has agreed to those conditions.

Mr. Duda asked if this was an administrative problem or just not having all of the information required. Mr. Greg Gruen from Manhard Construction was in attendance and stated it was a lack of knowledge on the person conducting the front line review. He stated it was not a disregard for the Ordinance. They are updating their files and the Village is in agreement with the conditions of the recertification.

Mr. Wagner asked if an Interagency Agreement is required as was with the Village of Ringwood. Ms. Miller stated if the Commission asks for an Interagency Agreement, the Village would not be able to acquire recertification until the next meeting which is in two months. Mr. Phipps told the Commission he did not ask for an Interagency Agreement because The Village of Wonder Lake meets all of the certification criteria. If they do not comply with the conditions set forth at this meeting, the language in the Stormwater Ordinance states the Enforcement Officer has the right to take away the certification immediately even if there is not an established Interagency Agreement.

Motion by Mr. Sager, seconded by Mr. Kierna to adopt staff's recommendation to conditionally recertify the Village of Wonder Lake. All members present voting aye. Motion carried.

MISC. ITEMS

Ms. McCann asked if the Commission is pursuing FEMA insurance that may help to lower residents' rates. Mr. Phipps said he is waiting for a call back from the insurance agency that represents FEMA to schedule a meeting.

ADJOURNMENT

Motion by Mr. Duda, seconded by Mr. Merkel to adjourn. All members present voting aye. Motion carried.

The meeting adjourned at 8:30 a.m.