

MCHENRY COUNTY STORMWATER COMMISSION
MEETING MINUTES
July 23, 2009

Commission members and alternates present: Tom Kierna, Victor Ramirez (alternate for Mayor Aaron Shepley), Douglas Maxeiner (alternate for Mayor Sue Low), Mayor Brian Sager, Mary McCann, Virginia Peschke, Anna May Miller, Scott Breeden, Barbara Wheeler and Peter Merkel

Absent: Stan Duda and Robert Wagner

Staff: Mark Phipps, Dennis Sandquist and Audrey Martin

CALL TO ORDER

Chairman Miller called the meeting to order at 7:33 a.m.

APPROVAL OF MINUTES

Motion by Mr. Ramierz, seconded by Ms. Peschke to approve the minutes of the May 28th Stormwater Commission meeting. Mr. Kierna pointed out he was listed as present. He stated he was not present but his alternate, Jeff Schroeder was.

All members present voting aye to approve the amended minutes. Motion carried.

PUBLIC COMMENT

Ms. Connie Jones from Harvard read from a written statement that she has approached the County Board and the Transportation Department in regards to the Alden Road Bridge Project. She said she presented County Board members with documentation showing the potential for an increased problem of stormwater accumulation. She would like the Stormwater Commission to propose a resolution to the County Board at the next County Board meeting to modify the Alden Road Bridge Project. Ms. Jones' letter is attached to these minutes.

Ms. Faith Bateman from McHenry stated her property has been underwater for two years since Patriots Estates started their development. She said in 2008 the City of McHenry, who certified the drainage system, claimed no responsibility and directed the developer not to have anything to do with the Batemans or their neighbors after they and the City of McHenry signed an agreement to rectify the problem. The developer would not sign the agreement. She informed the Commission that on Saturday July 18, 2009, they dug up the farm field, uncovered the drain tile, opened it and discovered it was clogged. This clogging was also documented one year ago and nothing was done. Ms. Bateman said the property manager of Patriot Estates informed the Batemans they would not do anything to fix the problem. She would like the Commissions help on this issue. She thanked Ms. Wheeler, Mr. Brandt and Mr. Weskerna for listening to her concerns on this issue.

Mr. Bateman also spoke. He stated the City of McHenry has been very combative and condescending. He said he has video of the water boiling up out of the tile. He would like the Commission to remove the certification from the City of McHenry and help fix the problem.

PRESENTATIONS

REPORT FROM TAC

Mr. Bicking reported on the wetland restoration fund recommendations by the TAC. The purpose is to collect funds for wetland restoration that could be used to restore wetlands anywhere in the County in lieu of applicants going to wetland banking or doing onsite mitigation for any wetland impacts. There are some items that are going to require some modifications to the Stormwater Ordinance. A permit applicant will not have the option to mitigate a wetland impact by paying into a wetland restoration fund if the impact is in the same watershed as a mitigation bank in existence at the time the wetland restoration fund is established, as long as the mitigation bank has available mitigation credits. The TAC had discussed at length, whether or not the wetland restoration fund would compete with existing wetland mitigation banks. The wetland restoration fund would only fund projects that are managed by qualified conservation management agencies.

Mr. Phipps stated he spoke with the Assistant State's Attorney and they both agreed the recommendations are more of a policy and do not have to be adopted as an amendment to the Ordinance. The text could be reformatted in the form of a resolution that the Stormwater Commission could adopt and therefore, it would not need IDNR and FEMA approval.

Motion by Ms. McCann, seconded by Ms. Peschke to recommend adoption of the wetland restoration fund recommendations from the Technical Advisory Committee. All members present voting aye. Motion carried.

COUNTY WIDE PERMIT #1

Mr. Bicking explained this permit was to make it easier for individuals to go through the permitting process without hiring a surveyor or engineer. It also makes it easier for the County to approve permits as well as municipalities.

Motion by Ms. McCann, seconded by Ms. Wheeler to recommend adoption of countywide permit number one and forward it to IDNR and FEMA for their review and approval. All members present voting aye. Motion carried

DISCUSSION ITEMS

Village of Oakwood Hills request for assistance with the Water Quality Management Plan

Ms. Kerry Leigh, trustee from the Village of Oakwood Hills, was at the last Stormwater Commission meeting. She came to speak to the Commission to request the Commission's help in preparing an application for a grant to write a water quality management plan. Mr. Phipps spoke to Ms. Leigh about also making a presentation to the Natural and Environmental Resources Committee. It was the Commission's consensus that they would not be assisting the Village in preparing the grant application.

ACTION ITEMS

TAC Alternate Members - Jeff VanLanduyt for Al Wilson

Mr. Phipps explained Mr. Al Wilson from the City of Woodstock was approved as Mayor Sager's alternate. The bylaws for the TAC state that the only member of the Stormwater Commission that can be on the TAC is the chair of the Stormwater Commission. Because Mr. Wilson was listed as the alternate for John Isbell, it would be appropriate to name a new alternate for John Isbell for the TAC.

Motion by Mr. Sager, seconded by Mr. Kierna to appoint Mr. VanLanduyt as an alternate to Mr. Isbell for the TAC. The following voice vote was as follows: Mr. Kierna: yes, Mr. Ramirez: yes, Mr. Maxeiner: yes, Mr. Sager: yes, Ms. McCann: yes, Ms. Peschke: yes, Ms. Miller: yes, Mr. Breeden: yes, Ms. Wheeler: yes, Mr. Merkel: yes. All members present voting aye. Motion carried.

MISC. ITEMS

Gravel Pit SMO Amendments

Mr. Phipps mentioned there are gravel pits that were exempted from getting a stormwater permit because they were in operation before the Stormwater Ordinance was adopted in 2004. Any work that was approved prior to June 1, 2004 was not required to get a stormwater permit as long as the work was completed within five years. Right now there are 15 or 16 gravel pits in operation in unincorporated McHenry County that would be required to get a stormwater permit. Mark suggested amendments to the Stormwater Ordinance that state any gravel pit that is operating under a conditional use permit that is as stringent as the requirements of the Stormwater Ordinance, would be exempted from getting a stormwater permit for the duration of the conditional use permit. If they need a renewed conditional use permit or if there is a new gravel pit operation, which would require a stormwater permit, that permit would not be for two years but for the duration of their conditional use permit. Mr. Phipps said he wanted to make the Stormwater Commission aware that this is an issue the TAC is discussing and will be discussing at their next meeting.

Status Update - SMO Amendments Submitted to FEMA and IDNR-OWR

Mr. Phipps reported he received comments back from IDNR on the stormwater management amendments that were forwarded to them for their comments. There were not any substantial changes. Mr. Phipps is waiting for a letter back from FEMA with their

comments and hopes to receive that by the next TAC meeting in August. Once he receives the letter the Commission can address any comments and take this forward. Mr. Sager asked if the Commission would have to go back to IDNR and FEMA if the Commission makes adjustments based on their input. Mr. Phipps answered he would prefer to send it back if there any major adjustments.

Ms. Miller suggested sending amendments to FEMA and IDNR in batches rather than one or two at a time. Mr. Phipps said he would contact FEMA and IDNR to see how they would like to see the amendments sent.

Community Rating System Reclassification

Mr. Phipps stated the County is a participant in the National Flood Insurance program. The County has been assigned a rating of 10 which is the lowest rating. Because the County's Stormwater Management Ordinance standards requirements are more restrictive than the federal requirements, the County would be assigned a rating of 8. This will lower premiums for policy holders with flood insurance. The first step is to meet with IDNR. Mr. Phipps said he has not heard back from IDNR on a possible meeting date.

MEMBER COMMENTS

Ms. Miller asked Mr. Phipps if he wanted to comment on the issues raised during the public comment period.

Mr. Phipps said Mr. Bateman has a video that he mentioned in the public comments relating to the issue involving Patriot Estates. There was a meeting with property owners and the City of McHenry, which did not make much progress toward a solution. Mr. Phipps will meet with Mr. Bateman to view the video.

Regarding the Alden Road situation, Ms. Jones would prefer the County connect two independent storm sewer systems that discharge in different locations, rather than maintain the existing discharge locations. Mr. Phipps said he told Ms. Jones that all he could do was review the plans to see if it meets the requirements of the Stormwater Ordinance. He is not in the position to make the Highway Department change their plans if the submitted plans meet the requirements of the Ordinance.

Mr. Sager asked if both issues could be placed on a future agenda. Ms. Wheeler and Ms. Miller agreed that would be appropriate. Ms. Miller suggested inviting the designer from MCDOT to the next meeting. Mr. Phipps pointed out there may be a new submittal before the Stormwater Commission meets again. Ms. Miller thought a special meeting may have to be called instead of waiting until September. Mr. Sandquist mentioned this issue could be brought up at the next Transportation Committee meeting with some of the Commission members in attendance to see if there are any alternative solutions. Ms. Miller said she will contact MCDOT.

ADJOURNMENT

Motion by Mr. Kierna, seconded by Mr. Ramirez to adjourn. All members present voting aye. Motion carried

The meeting adjourned at 8:52 a.m.