

**MCHENRY COUNTY STORMWATER COMMISSION
MEETING MINUTES
December 3, 2009**

Commission members and alternates present: Victor Ramirez, Douglas Maxeiner, Mayor Brian Sager, Mary McCann, Virginia Peschke, Chairman Anna May Miller, Peter Merkel, Tom Kierna, Scott Breeden and Barbara Wheeler

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. Breeden seconded by Mr. Kierna to approve the minutes of the October 15, 2009 Stormwater Commission meeting. All members present voting aye. Motion carried.

PUBLIC COMMENT

None.

PRESENTATIONS

Erosion Control Practices on Agricultural Parcels- Russell King, Vanderstappen Surveying

Mr. Phipps introduced Mr. King to the Commission. Mr. King stated he had spoken with Ms. Tina Hill, County Board member, regarding issues Vanderstappen Surveying had noticed while addressing site plans for their clients. Ms. Hill asked Mr. King to make a presentation to the Stormwater Commission to show what effect the Stormwater Management Ordinance is having on the owners of these properties. He stated his concerns are projects in McHenry County that are on property that most people would consider agricultural. Mr. King then reviewed some specific projects where the clients were asked to provide additional information such as obtaining topography, a wetland delineation, compensatory storage and other information that can cost the clients anywhere from \$3,500 to \$15,000. Most of the examples Mr. King presented were after the fact permits.

Mr. King would like the County to consider allowing staff to visit sites and review documents to understand the insignificant impact some of these projects have on the environment.

Ms. McCann remarked land owners need to understand why the wetlands have to be protected and how the wetland impacts are negatively impacting the County. Mr. King stated one of his clients believes there is not enough publicity on this issue.

Mr. Phipps responded to Mr. King's comments by stating the point Mr. King makes is understood for certain projects and that is one reason the County is working on a county wide permit. The purpose of that permit is to identify projects that are regulated by the Ordinance, but are small in scope and carefully defined. The permit would allow the applicant to contact Planning and Development and for staff to determine if it meets the criteria of the county wide permit. If it does, staff would visit the site and take photographs of the site before work is begun. New photos are taken once the project is finished to confirm that it was done correctly. Routine projects that are small in nature would result in less expense for the applicant. Mr. Phipps stated he will push for the TAC to revisit the wetland buffer requirements because he thinks that some of the requirements are too burdensome and some of the requirements are too vague.

The Ordinance states if there is a project that is in close proximity to a wetland, the Army Corps needs to be involved to decide whether they have jurisdiction over the body of water and how it will be impacted. Mr. Phipps said if it turns out the Army Corps does have jurisdiction, there is no guarantee they would agree with staff that it is not going to impact the waters. The Army Corps takes a long time to make their jurisdictional determinations and have been involved in legal issues regarding those determinations so they are hesitant and are leaning towards statements saying they are not opposed to the project, but not stating whether they have jurisdiction or not. This presents a problem because the Ordinance depends on someone taking jurisdiction. Mr. Phipps said he is meeting with the Army Corps to discuss a process in Lake County that allows the applicant to meet with Army Corps and the County on site to make the jurisdictional determination immediately.

Ms. Peschke left the meeting at 8:17 a.m.

Mr. Phipps said at the beginning of a project, it may not be known where the buffer or wetland boundary is and the applicant does not know up front what may be required later. This sometimes presents a problem. He said he is willing to discuss with the TAC whether the existing Ordinance standards are reasonable and he is willing to speak to Mr. King and applicants to see if the letters being sent could have clarified what may be involved later in the process of a project.

Mr. Phipps reviewed a few projects with the Commission and some of the problems related to those projects.

DISCUSSION ITEMS

None.

PUBLIC COMMENT

None.

ACTION ITEMS

TAC Appointments

Mr. Phipps reported there are six members and alternates up for reappointment to a two-year term. They are as follows:

Member	Alternate
Gabriel Powers	Ed Collins
Andrea Pracht	Bill Blecke
Gary Schaefer	Vince Mosca
Randy Stowe	Dick Hilton
Ed Weskerna	Spring Duffy
Wally Dittrich	Wynnyth Adair

Mr. Phipps recommended reappointing the members with one change. Wally Dittrich has been representing MCDOT as an alternate to Jeff Young. They have requested Mr. Dittrich be appointed as the member in place of Jeff Young with Wynnyth Adair as his alternate.

Motion by Mr. Sager, seconded by Mr. Kierna to reappoint the 6 members and their alternates to the TAC for a two-year term ending in 2012. All members present voting aye, Motion carried.

MISC. ITEMS

Community Rating System Reclassification

Mr. Phipps stated he is still waiting for a response from IDNR and FEMA to review the County’s performance in enforcing the Stormwater Ordinance.

MEMBER COMMENTS

Mr. Sager stated he was grateful for the dialog today, however, he said he had not received the document from Mr. King’s presentation and was unaware of what was going on. He said he would appreciate up front knowing what is going to be presented in the future. Ms. Miller apologized stating she had received the document a few days ago will be cognizant of that in the future.

ADJOURNMENT

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

The meeting adjourned at 8:54 a.m.