

# FILE

**BOARD OF TRUSTEES**  
**McHENRY COUNTY CONSERVATION DISTRICT**  
Minutes of October 22, 2009

## **1.0 CALL TO ORDER**

The regular monthly meeting of the Board of Trustees of the McHenry County Conservation District was called to order at 6:07 p.m. by President LaGue on the evening of October 22, 2009, at the Brookdale Administrative Office, 18410 US Highway 14, Woodstock, Illinois.

## **2.0 ROLL CALL**

Trustees Present: David LaGue, President  
Nancy Williamson, Vice President  
Kevin Ivers, Secretary (arrived at 6:50 p.m.)  
Martha Carver, Trustee  
Bonnie Leahy, Trustee  
Matthew Ewertowski, Trustee

Trustee Absent: Tom O'Donnell, Treasurer

Counsel & Staff Present: Robert Bush, Corporate Counsel  
Elizabeth S. Kessler, Executive Director (by phone)  
John Kremer, Director of Operations  
Andy Dylak, Director of Finance  
Anne Basten, Executive Assistant  
Ed Collins, Natural Resource Manager  
Val Siler, Land Preservation Manager

## **3.0 EXECUTIVE SESSION I**

*A motion was made by Vice President Williamson, seconded by Trustee Leahy, to go into Executive Session pursuant to Exception 2C2 (Collective Bargaining), 2C5 (Real Estate), 2C6 (Sale/Lease Real Estate), 2C11 (Probable or Imminent Litigation and Pending Litigation), and 2C21 (Review of Closed Session Minutes) of the Open Meetings Act. A roll call vote gave the following results: Carver-yes, Williamson-yes, Leahy-yes, Ewertowski-yes, LaGue-yes.*

*Motion passed unanimously.*

## **4.0 RECONVENE**

The regular meeting of the Board of Trustees was reconvened at 7:05 p.m. by President LaGue on the evening of October 22, 2009, at the Brookdale Administrative Office, 18410 US Highway 14, Woodstock, Illinois.

#### 4.1 ROLL CALL

Trustees Present: David LaGue, President  
Nancy Williamson, Vice President  
Kevin Ivers, Secretary (arrived at 6:50 p.m.)  
Martha Carver, Trustee  
Bonnie Leahy, Trustee  
Matthew Ewertowski, Trustee

Trustee Absent: Tom O'Donnell, Treasurer

Counsel & Staff Present: Pete Merkel, County Board Liaison (arrived at 7:10 p.m.)  
Robert Bush, Corporate Counsel  
Elizabeth S. Kessler, Executive Director (by phone)  
John Kremer, Director of Operations  
Andy Dylak, Director of Finance  
Anne Basten, Executive Assistant  
Deb Chapman, Education Services Manager  
Ed Collins, Natural Resource Manager  
Sara Denham, Wildlife Resource Manager  
Jeff Diedrick, Police Chief  
Tom McCarthy, Land & Facilities Manager  
Val Siler, Land Preservation Manager  
Austin Taylor, Landscape Architect

Others Present: Dick Arsenau, Spring Grove  
LeAnn Belt, Woodstock  
Linda Fierla, Woodstock  
Diane McNamara, Woodstock  
Dale Shriver, Marengo

#### 5.0 PLEDGE OF ALLEGIANCE

#### 6.0 PUBLIC COMMENTS

Dick Arsenau of the Richmond Trail Blazers Snowmobile Club requested another year for the snowmobile trail along Lakeview Road on the Elizabeth Lake Conservation Area property. He presented responses to complaints/violations provided by the District and explained the lack of communication between he and the District during the trail season. He also provided current pictures that showed no visible signs of damage caused by snowmobiles the previous winter.

## **7.0 PRESENTATIONS/INTRODUCTIONS**

### **7.1 Preliminary Master Plan - Dufield Pond Conservation Area**

Landscape Architect Taylor displayed the draft plan that maintains two access points to the site. The Country Club Road parking lot would be moved farther from the water and made more permanent and include a restroom and an ADA accessible shoreline and boardwalk which will control access and reduce erosion and other impact damage. There will still be an entrance off McConnell Road for access to the woodlands on the southern side. There were no changes suggested by the Board at this time.

### **7.2 Preliminary Master Plan - Boone Creek Conservation Area**

Landscape Architect Taylor displayed the draft plan that concentrates all recreation and access to the northern end. The plan uses the old hunt club footprint for the development area including a shelter, restroom, observation area and a new ADA accessible fishing pond. A short horse trail is separate from the walking trail and the horse trail maintains the east-west connection to the private Bull Valley Riding Club trail with gated access to the private trails off District property. On the south end restoration will take priority and hunting has not been ruled out.

Linda Fierla, President of the Bull Valley Riding Club was in attendance and stated she had worked with staff and is comfortable with the plan as presented.

## **8.0 COMMITTEE REPORTS**

### **8.1 Trustee Reports on Conferences & Meetings Attended**

#### **8.1a Fox River Ecosystem and Kishwaukee River Ecosystem Partnerships**

Vice President Williamson reported the KREP will be meeting on October 29, 2009.

#### **8.1b Imagine McHenry County**

Secretary Ivers reported that the group is focusing on board development and that their annual meeting will be in November. The group is planning a discussion on water conservation and management for January.

#### **8.1c Agricultural Conservation Easement and Farmland Protection Commission**

President LaGue reported that the commissioners are working on promotional materials covering the benefits of farmland protection.

#### **8.1d Chicago Wilderness**

Secretary Ivers stated that the Trustees should be receiving invitations to "Our Green Metropolis-The Next 100 Years" on November 5, 2009 from 5-7 p.m. New "Leave No Child Inside" materials will be available soon.

8.1e IACD/IACFPD/IAPD

Trustee Carver reviewed the IACD Annual Meeting held in Macon County where the specifics of the new ADA requirements and Federal oversights were presented. She also stated that Boone County Conservation District is in the midst of creating a foundation.

8.1f McHenry County Conservation Foundation

Vice President Williamson reported that the Foundation is coordinating a meeting with Lake County Forest Preserve District's Development Officer to get a better understanding of the details of how a development officer functions.

8.1g Other

Secretary Ivers spoke about his attendance at the NRPA Conference in Salt Lake City. He spoke about the Board and citizen communication and participation ideas he saw. He also discussed the need to become agile in order to move quickly in a changing world. The closing conference session focused on working with the disabled and featured Para-Olympians.

Secretary Ivers congratulated Elizabeth Kessler on being elected President of that organization. Staff was directed to promote the election of Executive Director Kessler's new national title.

8.2 Finance Committee

8.2a Verbal report of meeting held on October 19, 2009

Trustee Leahy recommended that other board members attend if they are available. All other items appear further on the agenda and approval is recommended.

8.3 Outreach & Advocacy Committee

8.3a Verbal report of meeting held on October 21, 2009

Secretary Ivers spoke about the meeting with the Citizens Advisory Committee members which went very well. Trustee Ewertowski stated that the committee members really want to help the District.

**9.0 COUNTY BOARD LIAISON REPORT**

County Board Liaison Merkel reported that the 2030 Plan is in its final stages. The public comment period is ending and meetings are being set up in all six districts to present the final plan. He also stated that an ATV/Off road vehicle ordinance is being developed for unincorporated areas of the county. County Board Liaison Merkel reported that the Stormwater Technical Committee is meeting and reviewing community requests for renewal. The County Board is currently looking at a balanced budget and it does not include any new projects.

## 10.0 BOARD BUSINESS - CONSENT AGENDA

- 10.1 Approval of Minutes
  - 10.1a September 17, 2009
- 10.2 Receive & Place in Confidential File Closed Session Minutes
  - 10.2a September 17, 2009
- 10.3 Board Committee Minutes to be Received and Placed on File
  - 10.3a Finance Committee Minutes of September 16, 2009
  - 10.3b Outreach & Advisory Committee Minutes of September 17, 2009
- 10.4 Treasurer's Report
- 10.5 Staff Monthly Report for October
- 10.6 Motion to adopt Resolution #09-38 naming Trustee Carver as the Board of Trustee's delegate and Secretary Ivers as first alternate and Vice-President Williamson as second alternate to the IAPD Annual Business Meeting on Saturday, January 30, 2010.
- 10.7 Motion to award a contract for construction of the shelter and restroom, ADA path and seat wall, from Carmichael Construction, Inc., of Marengo, the lowest qualified, responsible and responsive bidder, for a cost not to exceed \$125,277.
- 10.8 Motion to adopt Resolution #09-37 authorizing the President to execute a natural resource management agreement between the District and Rodney and Libby Aavang for the Barber Fen Nature Preserve.
- 10.9 Motion to adopt Resolution #09-36 authorizing an Intergovernmental Agreement for Mutual Aid between the District and the Village of Bull Valley.
- 10.10 Motion to award a contract to JAD Treecycle of Cary, IL for exotic brush removal at Nippersink North Branch, the lowest qualified, responsible and responsive bidder, for a cost not to exceed \$24,500.
- 10.11 Motion to authorize the preparation of specifications and letting of bids for the site improvements to the Nippersink Canoe Base Conservation Area.
- 10.12 Motion to authorize the preparation of specifications and letting bids on four replacement fleet vehicles or to purchase directly off the Illinois State Contract whichever is in the best interest of the District.
- 10.13 Motion to approve Change Order #1 in the amount of \$600 from Pease Construction for the Nippersink Canoe Bridge Project.
- 10.14 Motion to appoint Bill Clow for a three-year term ending January 2013 and reappointment of Brad Semel and Erich Thurow for a three-year term ending on January 2013 as Board of Directors of the McHenry County Conservation Foundation.

Item 10.14 was pulled for further discussion or comment.

*A motion was made by Trustee Leahy, seconded by Secretary Ivers, to approve Board Business Consent Agenda items 10.1 through 10.13 as presented. A roll call vote gave the following results: Leahy-yes, Ewertowski-yes, Williamson-yes, Ivers-yes, Carver-yes, LaGue-yes.*

*Motion passed unanimously.*

Vice President Williamson spoke highly of the candidates for the McHenry County Conservation Foundation Board of Directors.

*A motion was made by Trustee Carver, seconded by Vice President Williamson, to appoint Bill Clow for a three-year term ending January 2013 and reappointing of Brad Semel and Erich Thurow for three-year terms ending January 2013 to the Board of Directors of the McHenry County Conservation Foundation. A roll call vote gave the following results: Leahy-yes, Ivers-yes, Williamson-yes, Ewertowski-yes, Carver-yes, LaGue-yes.*

*Motion passed unanimously.*

## **11.0 OTHER BOARD BUSINESS**

### **11.1 Approval of Bills Payable for the Month of September 2009**

*A motion was made by Trustee Carver, seconded by Trustee Leahy, to approve the payment of bills, as indicated on the Submission of Bills Pending Report for the month ending 9/30/2009. A roll call vote gave the following results: Carver-yes, Williamson-recused, Ivers-yes, Leahy-yes, Ewertowski-yes, LaGue-recused.*

The motion passed 4 to 0 with recusals by Vice President Williamson and President LaGue.

### **11.2 Lost Valley Visitor Center Change Orders**

Construction Manager Tom Featherstone explained that the change orders to date do not require a budgetary change and that the project is very much still on budget. There were some situations that appeared when walls were opened up and a portion of the basement wall on the west end was removed. He described the burned building remains that were found buried under the new parking lot location that had to be excavated. He believes that the majority of the underground conditions have been identified. The security and furniture portions of the plan are being let for bid with the opening taking place on November 4, 2009. Most of the construction is ahead of schedule.

All gravel is in place and curbs and permeable paving is expected to be laid before the end of the month. Land & Facilities Manager McCarthy was thanked for his work to protect the oaks.

*A motion was made by Vice President Williamson, seconded by Trustee Carver to approve Series 1: Change Orders on the Lost Valley Visitor Center for the various contracts submitted by Featherstone, Inc. for an amount not to exceed \$148,339. A roll call vote gave the following results: Ivers-yes, Ewertowski-yes, Leahy-yes, Carver-yes, Williamson-yes, LaGue-yes.*

*Motion passed unanimously.*

### 11.3 Change Orders

There were no additional change orders to be reviewed.

### 11.4 Agricultural Drainage District Participation

President LaGue stated that he had been approached due to upcoming Coon Creek Drainage District election of commissioners. He suggested that the District be involved in drainage districts where we own property due to the potential impact our work might cause. There was discussion about whether this would be a staff or trustee role. The District was honored by being asked to participate. The consensus was to recommend that the President, Executive Director or his/her designee be appointed to serve as needed.

Attorney Bush stated that there was no need to create a policy of procedure for this action.

## 12.0 **PRESIDENT'S REPORT**

President LaGue thanked all participants and staff for the successful Trail of History.

## 13.0 **TRUSTEES' REPORTS**

Vice President Williamson reported that the Nature Conservancy was spearheading a change to the Illinois Wildlife Action Plan.

Secretary Ivers reminded the Trustees of the upcoming McHenry County Council of Governments meeting.

Trustee Carver reported that she would be representing the District at the Village of Alden celebrations and the rededication of the Brandow Cemetery.

## 14.0 **DIRECTOR'S REPORT**

Executive Director Kessler congratulated the staff team on the Trail of History and Vice President Williamson commented on the great interaction between the participants and the public. Trustee Carver complimented President LaGue on his beautiful speech.

### 14.1 Strategic Plan - Second Quarter Status Report

There were no questions on the multi-year strategic plan at this time.

## 15.0 **EXECUTIVE SESSION II**

*A motion to go into Executive Session pursuant to Exception 2C2 (Collective Bargaining), 2C5 (Real Estate), 2C6 (Sale/Lease Real Estate), and 2C11 (Probable or Imminent Litigation and Pending Litigation) of the Open Meetings Act was made by Trustee Ivers, seconded by Trustee Ewertowski at 8:40 p.m. A roll call vote gave the following results: Williamson-yes, Carver-yes, Ivers-yes, Ewertowski-yes, Leahy-yes, LaGue-yes.*

Motion passed unanimously.

## 16.0 RECONVENE II

The regular session meeting was reconvened at 10:32 p.m. on the evening of October 22, 2009 by President LaGue at the Brookdale Administrative Office, 18410 US Highway 14, Woodstock, Illinois.

### 16.1 ROLL CALL

Trustees Present: David LaGue, President  
Nancy Williamson, Vice President  
Kevin Ivers, Secretary  
Martha Carver, Trustee  
Bonnie Leahy, Trustee  
Matthew Ewertowski, Trustee

Trustee Absent: Tom O'Donnell, Treasurer

Counsel & Staff Present: Pete Merkel, County Board Liaison  
Robert Bush, Corporate Counsel  
Elizabeth S. Kessler, Executive Director (by phone)  
John Kremer, Director of Operations  
Andy Dylak, Director of Finance  
Anne Basten, Executive Assistant

## 17.0 ACTION ON EXECUTIVE SESSION

17.1 Ordinance #09-792 authorizing the Execution of Documents for a Conservation Easement on Real Property Commonly Known as the Dubsy Easement Parcel

*A motion was made by Secretary Ivers, seconded by Vice President Williamson, to pass Ordinance #09-792 authorizing the execution of documents for a Conservation Easement on real property commonly known as the Dubsy Easement Parcel as presented. A roll call vote gave the following results: Leahy-yes, Ewertowski-yes,*

17.2 Appointment of District Negotiation Team - Fraternal Order of Police

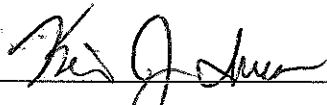
*A motion was made by Trustee Ewertowski, seconded by Trustee Leahy, to appoint Attorney Carl Tominberg, Executive Director Kessler, Director of Operations Kremer and Director of Finance Dylak to negotiate the terms of an employment agreement with the Fraternal Order of Police representing the Patrol Officers of the District. A roll call vote gave the following results: Carver-yes, Williamson-yes, Ivers-yes, Leahy-yes, Ewertowski-yes, LaGue-yes. Motion passed unanimously.*

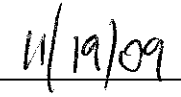
**18.0 ADJOURN**

There being no further business to come before the Board, *a motion was made by Trustee Ewertowski, seconded by Trustee Carver, that the meeting be adjourned.*

Motion passed unanimously. Meeting adjourned at 10:35 p.m. October 22, 2009.

Respectfully submitted,

  
\_\_\_\_\_  
Kevin Ivers, Secretary

  
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Date