

FILE

BOARD OF TRUSTEES
McHENRY COUNTY CONSERVATION DISTRICT
Minutes of April 16, 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 6:05 p.m. by President Hankins on the evening of April 16, 2009, at the Brookdale Administrative Office, 18410 US Highway 14, Woodstock, Illinois.

2.0 ROLL CALL

Trustees Present: Kimberly Hankins, President
John Green, Treasurer (arrived at 6:10 p.m.)
Nancy Williamson, Secretary
Martha Carver, Trustee
Kevin Ivers, Trustee
Tom O'Donnell, Trustee

Trustee Absent: David LaGue, Vice President

Counsel & Staff Present: Pete Merkel, County Board Liaison
Scott Puma, Corporate Counsel
Elizabeth S. Kessler, Executive Director
John Kremer, Director of Operations
Andy Dylak, Director of Finance
Anne Basten, Executive Assistant
Val Siler, Land Preservation Manager
Ed Collins, Natural Resource Manager

3.0 EXECUTIVE SESSION I

At 6:06 p.m., Trustee Williamson made a motion to go into Executive Session pursuant to Exception 2C5 (Real Estate), 2C6 (Sale/Lease of Real Estate), and 2C21 (Review of Closed Session Minutes) of the Open Meetings Act. A roll call vote gave the following results: Ivers-yes, Williamson-yes, O'Donnell-yes, Carver-yes, Hankins-yes.

Motion passed unanimously.

4.0 RECONVENE

The regular monthly meeting of the Board of Trustees of the McHenry County Conservation District was reconvened at 7:00 p.m. by President Hankins on the evening of April 16, 2009, at the Brookdale Administrative Office, 18410 US Highway 14, Woodstock, Illinois.

ROLL CALL

Trustees Present: Kimberly Hankins, President
John Green, Treasurer
Nancy Williamson, Secretary
Martha Carver, Trustee
Kevin Ivers, Trustee
Tom O'Donnell, Trustee

Trustee Absent: David LaGue, Vice President

Counsel & Staff Present: Pete Merkel, County Board Liaison
Scott Puma, Corporate Counsel
Elizabeth S. Kessler, Executive Director
John Kremer, Director of Operations
Andy Dylak, Director of Finance
Anne Basten, Executive Assistant
Deb Chapman, Educational Services Manager
Ed Collins, Natural Resource Manager
Sara Denham, Wildlife Resource Center Manager
Jeff Diedrick, Chief of Police
Amy Peters, Planning & Development Manager
Tom McCarthy, Land & Facilities Manager
Val Siler, Land Preservation Manager

Others Present: Steven Byers, Illinois Nature Preserves Commission

5.0 PLEDGE OF ALLEGIANCE

6.0 PUBLIC COMMENTS

There were no public comments.

7.0 PRESENTATIONS/INTRODUCTIONS

There were no presentations at this time.

8.0 COMMITTEE REPORTS

8.1 Trustee Reports on Conferences & Meetings Attended

8.1a Fox River Ecosystem and Kishwaukee River Ecosystem Partnerships

Trustee Williamson reported that there was going to be another conservation design seminar on September 11, 2009 with the Fox River Ecosystem Partnership. The Kishwaukee Ecosystem Partnership is having a program on June 22 and 23rd, 2009.

8.1b Imagine McHenry County

Trustee Ivers reported that the group had met the previous week and had reviewed the 2030 plan. The group thought that the ecological

part looked good and stated that the planning group had integrated the broader regional growth and development well. Trustee Ivers stated that there had been an interesting discussion of how the plan might call for a particular development zone.

8.1c Agricultural Conservation Easement and Farmland Protection Commission

Trustee LaGue was not present and therefore there was no report.

8.1d Chicago Wilderness

Trustee Williamson reported that a subgroup had met on Wednesday April 15, 2009 on the budget as funding from the Federal Government was down. They are still trying to get Leave No Child Inside funding.

8.1e IACD/IACFPD/IAPD

Trustee Carver reported that she and Director of Operations Kremer had traveled to Springfield to meet with IACD representatives. Trustee Carver was pleased by the show of respect by the new IDNR Director Mark Miller and staff. She reported that the IDNR budget was up 15% from the previous year. The new IDNR Director spoke about their new fee structure and their work on the State Wildlife Action Plan. The IDNR staff gave a presentation on the Illinois Natural Area Inventory (INAI) and assistance with technology has been pledged to those present.

When the IACD group met separately, they discussed the hardships the smaller conservation districts have with having the extras on OSLAD grant requests due to lack of funds and therefore were not scoring as well with their applications. The IACD group is going to ask for assistance with ADA compliance from John McGovern of Recreation Accessibility Consultants, LLC.

Director of Operations Kremer noted that it was the first time in five years that he felt an air of optimism in the group.

Trustee Carver announced that Macon County will be hosting the annual meeting October 8 & 9, 2009.

8.1f McHenry County Conservation Foundation

The Pedal/Paddle fundraising event will be held on June 14, 2009 and registration forms would be available online.

8.1g Other

Trustee Williamson stated that the Personnel Committee will be meeting in May and a homework assignment will be sent out to all Trustees within the next few weeks on the Executive Director's Annual Performance Review.

Trustee Hankins stated that Trustee Ivers and Trustee Carver were meeting with a small subgroup of the Citizen's Advisory Council on April 29, 2009. Trustee Hankins also stated that the Crystal Lake Clean Air Counts was sponsoring a "bike with the mayor" event from the Crystal Lake Municipal building to Pyott Road.

8.2 Finance Committee

8.2a Verbal report of meeting held on April 13, 2009.

Treasurer Green reported that the group had reviewed the 2008 tax levy and two other items that are on the consent agenda covering a change order with Featherstone, Inc. and vehicles purchases and that the committee was recommending approval.

9.0 COUNTY BOARD LIAISON REPORT

County Board Liaison Merkel reported that the interviews were beginning the following day for new District Board members and that the balance would be interviewed on May 1, 2009.

County Board Liaison Merkel requested that District staff review the 2030 plan documents to correct numbers where needed and to provide updated maps where appropriate. Director of Operations Kremer requested that the numbers using the level of service based on population rather than straight acreage. The document is out for review at this time.

10.0 BOARD BUSINESS - CONSENT AGENDA

10.1 Approval of Minutes

10.1a March 12, 2009

10.1b March 26, 2009

10.2 Receive & Place in Confidential File Closed Session Minutes

10.2a February 19, 2009

10.2b February 24, 2009

10.2c March 12, 2009

10.2d March 26, 2009

10.3 Board Committee Minutes to be Received and Placed on File

10.3a Finance Committee of March 16, 2009

10.4 Treasurer's Report

10.5 Staff Monthly Report for March

10.6 Motion to adopt Resolution #09-13 authorizing the Executive Director to execute the Farm Lease Agreements as presented.

10.7 Motion to authorize the preparation of specifications and letting of bids for the purpose of haying various McHenry County Conservation District sites.

10.8 Motion to adopt Resolution #09-12 authorizing participation in and compliance with the National Incident Management System (NIMS) Emergency Program for response to major disasters and emergencies.

- 10.9 Motion to approve the contract for exotic brush removal at Nippersink Canoe Base Conservation Area from Clearview Tree Service of Wonder Lake, IL, the second lowest responsible bidder, for a cost not to exceed \$16,500.
- 10.10 Motion to approve the contract for exotic brush removal at Piscasaw North Conservation Area from Clearview Tree Service of Wonder Lake, IL, the lowest responsible bidder, for a cost not to exceed \$37,800.
- 10.11 Motion to award the native seed bid contract to the lowest responsible bidders of Shooting Star Native Seeds of Spring Grove, MN (\$27,894.34), Ion Exchange of Harpers Ferry, IA (\$16,639.00), Prairie Moon Nursery of Winona, MN (\$12,968.90), Allendan Seed Company of Winterset, IA (\$5,158.46), Taylor Creek Restoration Nurseries of Brodhead, WI (\$3,258.88), Prairie Nursery of Westfield, WI (\$1,025.00), J.F. New & Associates, Inc. of Walkerton, IN (\$2,049.60) and Spence Restoration Nursery of Munice, IN (\$692.00) for a total cost not to exceed \$69,686.18 for the completion of seeding projects on approximately 70 acres of various habitats for standard mixes, bond projects, and the stewardship program within conservation areas.
- 10.12 Motion to award a contract for construction of the asphalt entrance drive, parking lot, rain garden, native landscape restoration and pervious concrete ADA path, from Pease Construction, Inc., of McHenry, the lowest responsible bidder, for a cost not to exceed \$212,788.05.
- 10.13 Motion to award a contract for construction of the asphalt parking lot, pervious concrete ADA path, rain garden and native landscape restoration from Pease Construction, Inc., of McHenry, IL, the lowest responsible bidder, for a cost not to exceed \$70,356.17.
- 10.14 Motion to approve the AT&T Encroachment Permit allowing for the construction of the Crystal Lake to Woodstock Trail and to authorize the Executive Director to execute the permit.
- 10.15 Motion to approve Change Order #1 from Featherstone, Inc. of Downers Grove, IL for construction management services on the Lost Valley Visitor Center in the amount of \$27,403.
- 10.16 Motion to authorize staff to purchase five vehicles; four vans and a ¾ ton truck from the state bid for a cost not to exceed \$101,000.
- 10.17 Motion to sell Vehicle V27 Vin # 3FTWF26HXVMA47597 to Camp Algonquin for the price of \$3,500.

Executive Director Kessler noted the changes to item 10.11 due to an out of stock situation by the lowest bidder on a few items.

Trustee O'Donnell asked that items 10.9 and 10.10 be pulled from the consent agenda for further discussion.

A motion was made by Trustee Green, seconded by Trustee Williamson, to approve Board Business-Consent agenda items 10.1 through 10.8 and 10.11 through 10.17 as presented. A roll call vote gave the following results: O'Donnell-yes, Green-yes, Williamson-yes, Ivers-yes, Carver-yes, Hankins-yes. Motion passed unanimously.

A motion was made by Trustee Green, seconded by Trustee Carver, to approve Board Business-Consent Agenda item 10.9 as presented. It was asked if the District had pursued a breach of contract on the rejected vendor for failure to complete the contract on time. The response was that it was not pursued as the company finished the project shortly after they were notified that they were overdue. A roll call vote gave the following results: Ivers-yes, Williamson-yes, Green-yes, Carver-yes, O'Donnell-yes, Hankins-yes. Motion passed unanimously.

A motion was made by Trustee Ivers, seconded by Trustee Williamson, to approve Board Business-Consent Agenda item 10.11 as presented. Trustee O'Donnell asked if the seed bids on item 10.11 were based on total bid price or how the rates could change. It was stated that each species and item is bid separately and that a matrix is created with each item going to the lowest bidder and then the next lowest bidder until all quantities needed are completed. There was no need to rebid the species when the lowest bidder ran out of product; the District just went to the next lowest bidder and locked in the amounts awaiting board approval. A roll call gave the following results: Carver-yes, Williamson-yes, Ivers-yes, O'Donnell-yes, Williamson-yes, Hankins-yes.

Motion passed unanimously.

11.0 OTHER BOARD BUSINESS

11.1 Approval of Bills Payable for the Month of March 2009

A motion was made by Trustee Carver, seconded by Trustee Ivers, to approval the payment of bills, as indicated on the Submission of Bills Pending Report for the month ending 3/31/2009 as presented. A roll call vote gave the following results: Ivers-yes, Green-yes, Carver-yes, O'Donnell-yes, Williamson-yes, Hankins-yes.

Motion passed unanimously.

11.2 HUM Prairie - Dedication as an Illinois Nature Preserve

Illinois Nature Preserves Representative Steven Byers stated that he had been asked to put together a proposal for dedication on this property in 2008 after his presentation on how the Illinois Nature Preserve Commission (INPC) could work with the District to protect additional sites within the District holdings that were not suitable for improvements by the District. This is the first site to be presented of the sites discussed. Mr. Byers used a PowerPoint presentation to show the two portions of the HUM Prairie that were identified

as Illinois Natural Areas Inventory sites by the state biologists in the 1990s. He then showed pictures of some of the species and some photos of the sites taken previously. Mr. Byers also showed maps with the general locations of species of concern. He also spoke about the challenges such as lack of access points, the reserved rights of the District such as management and education, existing roadway right of ways for crossings, drainage issues, the Union Pacific rights and existing utility easements.

The board members then discussed the limits of the protection afforded the property under the District ownership and the limitations of the property that have been identified through the trail planning process and the reasons for pursuing alternatives to continue the HUM Trail. There was also discussion about the timing of the proposal in light of recent meetings with a planning group regarding a draft development plan on behalf of the Village of Huntley. Concerns were expressed that the dedication of the HUM Railroad Prairie East as an Illinois Nature Preserve may impact the ability for the transit oriented development at the Coyne Station Road location.

Mr. Byers pointed out that the Illinois Nature Preserves Commission only meets three times per year and that this was a two step process and was to determine if the property met the scientific criteria for dedication. The board would have the right to change the portions of the property protected or to deny protection before the final step.

Staff reviewed some of the sites that are currently held as Illinois Nature Preserves and noted that staff is currently following the same process as they have for past dedications.

There was further discussion about an extension of Algonquin Road by the McHenry County Department of Transportation that has not yet been approved, that appears to be included in the development plan received by the District this week and that it was possible that the City of Marengo was also planning a transit station.

A motion was made by Trustee Green, seconded by Trustee Ivers, to table action on the Illinois Nature Preservers Commission until May after a meeting is held with the Village of Huntley. A roll call vote gave the following results: Williamson-no, O'Donnell-no, Carver-no, Iver-yes, Green-yes, Hankins-yes.

Motion tied 3 to 3 and therefore failed.

A motion was made by Trustee Carver, seconded by Trustee Green, to move forward with the Illinois Nature Preserves Commission dedication process and to have a meeting with the affected municipalities that the staff feels is necessary. The motion was then amended to adopt Resolution #09-11 authorizing the preliminary application of a portion of the HUM Prairie as an Illinois Nature Preserve by Trustee Carver and accepted by Trustee Green. A roll call vote gave the following results: O'Donnell-yes, Green-no, Williamson-yes, Ivers-no, Carver-yes, Hankins-no.

Motion tied 3 to 3 and therefore failed.

A motion was made by Trustee Green, seconded by Trustee Ivers, to direct staff to set up a meeting with the affected municipalities and explain the process. A roll call vote gave the following results: Carver-no, Williamson-no, Ivers-yes, O'Donnell-no, Green-yes, Hankins-no.

Motion failed by a vote of 2 to 4.

A motion was made by Trustee Hankins to reconsider the question at the May 21, 2009 meeting. The motion died for lack of a second.

A motion was made by Trustee Carver, seconded by Trustee O'Donnell, to adopt Resolution #09-11 authorizing the preliminary application for a portion of the HUM Prairie as an Illinois Nature Preserve and schedule meetings with all affected municipalities that the staff feels is necessary. A roll call vote gave the following results: Williamson-yes, O'Donnell-yes, Carver-yes, Ivers-yes, Green-no, Hankins-yes.

Motion passed by a vote of 5 to 1.

There was further discussion about other sites that should be proposed to the Illinois Nature Preserves Commission before the September meeting of the Commission as there are additional monies available to Nature Preserves for preservation and restoration work.

11.3 Change Orders

There were no additional change orders to be presented.

12.0 **PRESIDENT'S REPORT**

President Hankins had nothing additional to report at this time.

13.0 **TRUSTEES' REPORTS**

Trustee Williamson saw a nice picture in the Tribune dated April 15, 2009 about kids assisting with oil spraying of Gypsy Moth egg masses. Attorney Puma passed around a copy of the picture for those present to view.

14.0 **DIRECTOR'S REPORT**

14.1 4th Quarter Strategic Plan Update

There was a request for a spreadsheet rather than a written document to show the progress of the Strategic Plan in the future. Executive Director Kessler then spoke about the Thought Leaders Summit and soliciting input from all staff levels before the final Strategic Plan Tactics are presented for FY 2010 in case there are additions, deletions or alternatives as a result of the discussions.

14.2 Status of Lost Valley Visitor Center

Executive Director Kessler updated the board on the status of the Lost Valley Visitor Center and the need for the site development plans to catch up

with the building plans. The delays were due to the site plans being placed on hold awaiting confirmation of the EPA 319 grant which has been awarded for the site improvements. The bids for the project are expected to be let in early June. An online auction service is being sought for the disposal of surplus items for mid June. A contract will be presented at the May meeting.

14.3 Stone Mill Trail Dedication

Executive Director Kessler asked the Board members if a tentative date of August 12, 2009 could be held for the dedication of the Stone Mill Trail near Chemung.

14.4 Crystal Lake to Woodstock Trail

Executive Director Kessler reported that the construction of this trail began on April 13, 2009.

15.0 EXECUTIVE SESSION II

There was no need to call another executive session.

16.0 RECONVENE II

17.0 ACTION ON EXECUTIVE SESSION

17.1 Ordinance #09-771 Authorizing the Execution of Four (4) Agreements Between the District and the Commonwealth Edison Company

A motion was made by Trustee Green, seconded by Trustee Williamson, to pass Ordinance #09-771 as presented. A roll call vote gave the following results: Green-yes, Carver-yes, O'Donnell-yes, Williamson-yes, Ivers-yes, Hankins-yes.

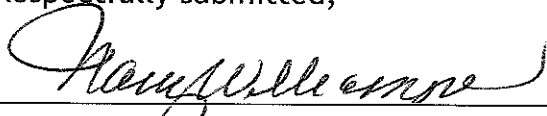
Motion passed unanimously.

18.0 ADJOURN

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

Motion passed unanimously. Meeting adjourned at 9:25 p.m. April 16, 2009.

Respectfully submitted,



Nancy Williamson, Secretary

Date: 5-21-09