

# FILE

## BOARD OF TRUSTEES McHENRY COUNTY CONSERVATION DISTRICT Minutes of December 17, 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 LaGue on the evening of December 17, 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  
Tom O'Donnell, Treasurer  
Kevin Ivers, Secretary  
Martha Carver, Trustee  
Bonnie Leahy, Trustee  
Matthew Ewertowski, Trustee

Counsel & Staff Present: Pete Merkel, County Board Liaison  
Scott Puma, Corporate Counsel  
Elizabeth S. Kessler, Executive Director  
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 Secretary Ivers, seconded by Vice President Williamson, to go into Executive Session pursuant to Exception 2C5 (Real Estate), 2C6 (Sale/Lease Real Estate), and 2C21 (Review of Closed Session Minutes) of the Open Meetings Act. A roll call vote gave the following results: Carver-yes, Williamson-yes, Ivers-yes, Leahy-yes, O'Donnell-yes, Ewertowski-yes, LaGue-yes.*

Motion passed unanimously.

### 4.0 RECONVENE

The regular monthly meeting of the Board of Trustees of the McHenry County Conservation District was called to order at 7:05 p.m. by President LaGue on the evening of December 17, 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  
Tom O'Donnell, Treasurer

Kevin Ivers, Secretary  
Martha Carver, Trustee  
Bonnie Leahy, Trustee  
Matthew Ewertowski, Trustee

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

Others Present: Randy Vogel, Applied Ecological Services

## **5.0 PLEDGE OF ALLEGIANCE**

## **6.0 PUBLIC COMMENTS**

There were no public comments.

## **7.0 PRESENTATIONS/INTRODUCTIONS**

### **7.1 Natural Communities Assessment HUM West and HUM East**

Randy Vogel, Senior Ecologist with Applied Ecological Services stated that the experience of the two Senior Biologists who conducted this assessment was over 60 years of field work. He then reviewed the definitions of the natural community types found in the study area. A cultural class of Old Field was used to classify the areas where the natural community was completely gone. Mr. Vogel continued to explain the method used for the assessment and the INAI grading system used. He noted that each grade level had the potential to be restored to the next grade level up or could be maintained at its current level but that a grade D cannot recover but could possibly recover the structure.

Mr. Vogel then discussed the different grades and the comparison of the District staff findings to those of AES, some of which could be attributed to the seasonal variations.

The board consensus was that the red areas on the colored maps were degraded and probably had no restoration potential. Trustee Carver requested that the board begin to consider identifying those portions of the property that should receive protection status soon. President LaGue suggested that these critical areas as well as the degraded areas be communicated to the municipal,

county and transportation interests. He noted that he has already asked the County and the Village of Huntley for support for the protection of the sensitive areas. Due to weather and scheduling issues, the City of Marengo has not yet been approached. A copy of the report will be sent to the affected municipalities.

## **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 that the Fox River Ecosystem Partnership met in Crystal Lake the past week.

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

Secretary Ivers reported that the next meeting of the group was scheduled for January 12, 2010.

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

President LaGue reported that there had been no meeting the previous month.

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

Secretary Ivers reported that the Climate Change Task Force was looking for comments on their report. The next meeting of the Executive Council is scheduled for March, 2010.

#### **8.1e IACD/IACFPD/IAPD**

Trustee Carver had nothing to report from this group.

#### **8.1f McHenry County Conservation Foundation**

Vice President Williamson reported that the group had discussed the affect of the revised Freedom of Information Act on the Foundation due to the connection with the District. She also reported that the group is considering bringing in a consultant to look into the potential for fundraising possibilities. She then announced a generous anonymous donation of \$40,000 with a restriction on the funding of \$35,000 for restoration within Marengo Ridge Conservation Area and the remaining \$5,000 to be used for the purchase of a tree core sampling tool and related expenses.

#### **8.1g Other**

## 8.2 Finance Committee

8.2a Verbal report of meeting held on December 17, 2009.

Treasurer O'Donnell reported that there was approximately \$20 million remaining in Land Acquisition Funds. There was also a reduction in cost change order for the bike trail for the final billing. All items were recommended for approval by the full board later on this agenda.

## 8.3 Outreach & Advocacy Committee

8.3a Verbal report of meeting held on December 17, 2009.

Secretary Ivers reported that a Wind Task Force meeting was being scheduled for January 11, 2009 and that Trustee Carver volunteered to serve as board liaison. He also reported that each of the Board members will be asked to contact certain municipalities and attend at least one meeting. He will contact the board members directly.

## 9.0 COUNTY BOARD LIAISON REPORT

County Board Liaison Merkel reported that the Groundwater Protection Program and the 2030 Plan have been recently discussed and the 2030 plan will be presented to the public in January.

## 10.0 BOARD BUSINESS - CONSENT AGENDA

### 10.1 Approval of Minutes

10.1a November 16, 2009

10.1b November 19, 2009

### 10.2 Receive & Place in Confidential File Closed Session Minutes -

10.2a November 19, 2009

### 10.3 Board Committee Minutes to be Received and Placed on File

10.3a Finance & Personnel Committee Minutes of November 16, 2009

### 10.4 Treasurer's Report

### 10.5 Staff Monthly Report for November

### 10.6 Motion to accept the Natural Community Assessment Report on the HUM West and HUM East from Applied Ecological Services, Inc. as submitted.

### 10.7 Motion to approve Series 3: Change Orders on the Lost Valley Visitor Center for the various contracts submitted by Featherstone, Inc. for an amount not to exceed \$27,911.

### 10.8 Motion to authorize staff to proceed with demolition of the seven buildings at Powell II (3), Ward (1) and Lussky (3) after the McHenry County Historic Preservation Commission has salvaged any of the original architectural elements.

### 10.9 Motion to award a contract to Bill Stasek Chevrolet of Wheeling, IL, the lowest qualified bidder, for the purchase of a new 2010 special service vehicle at a delivered cost not to exceed \$26,483.65.

- 10.10 Motion to award a contract to Pease Construction, Inc. of McHenry, IL, the lowest qualified bidder, for the construction of an asphalt entrance drive, porous paving parking lot & path network, small picnic shelter, unisex restroom, stream bank stabilization and native landscape restoration at the Nippersink Canoe Base Conservation Area for a cost not to exceed \$335,776.51.
- 10.11 Motion to adopt Resolution #09-46 authorizing the execution of a Lease Agreement Extension with the YMCA of McHenry County for Camp Algonquin.
- 10.12 Motion to adopt Resolution #09-44 supporting the subwatershed plans of the Lawrence Creek and Franklinville Creek subwatersheds of the Kishwaukee Watershed.
- 10.13 Motion to ratify Change Order #1 in the amount of \$2,115.00 from Carmichael Construction Inc., of Marengo, IL, for modification to the scope of work for the Kishwaukee Headwaters Accessory Structures Project (#0609.09.01).
- 10.14 Motion to adopt Resolution #09-45 authorizing an IGA for a temporary Construction Easement with the Village of Lake in the Hills
- 10.15 Motion to ratify Addendum #2 to the contract dated March 2, 2009 with Conservation Design Forum of Elmhurst, IL for LEED Documentation for the Lost Valley Visitor Center for an amount not to exceed \$3,200.
- 10.16 Motion to ratify Change Order #4, a reduction in the amount of \$108,004.16, to the contract with Chicagoland Paving Contractors, Inc. of Lake Zurich, IL for modification to the scope of work for the Crystal Lake to Woodstock Trail (#1208.09.01).
- 10.17 Motion to authorize the Executive Director to appoint additional Freedom of Information Officers at the staff level as necessary to comply with the revised Illinois Freedom of Information Act.

Items 10.11, 10.15 and 10.17 were pulled for further discussion.

*A motion was made by Vice President Williamson, seconded by Trustee Carver, to approve Board Business Consent Agenda items 10.1 through 10.11, 10.12 through 10.14 and 10.16 as presented. A roll call vote gave the following results: Carver-yes, Williamson-yes, Ivers-yes, Leahy-yes, O'Donnell-yes, Ewertowski-yes, LaGue-yes.*

Motion passed unanimously.

*A motion was made by Vice President Williamson, seconded by Trustee Leahy, to approve Resolution #09-46 authorizing the execution of a Lease Agreement Extension with the YMCA of McHenry County for Camp Algonquin.*

Trustee O'Donnell stated being uncomfortable with proceeding to extend the YMCA lease with a two year term and a shortened termination

notice period. Executive Director Kessler explained that the two year term was shortened from the original five year term and that the District's budget and staff are not prepared to take over the operating expenses of the site at this time and that this extension would allow for planning and budgeting time to transition out of the residential camp business. President LaGue supported taking the time to transition and to pursue an exit strategy.

A roll call vote gave the following results: Ivers-yes, Ewertowski-yes, Leahy-yes, Carver-yes, O'Donnell-no, Williamson-yes, LaGue-yes.

Motion passed 6 to 1.

*A motion was made by Trustee Carver, seconded by Secretary Ivers, to approve Item 10.15 ratifying Addendum #2 to the contract dated March 2, 2009 with Conservation Design Forum of Elmhurst, IL for LEED Documentation for the Lost Valley Visitor Center for an amount not to exceed \$3,200 as presented. A roll call vote gave the following result: Williamson-recused, O'Donnell-yes, Carver-yes, Ivers-yes, Ewertowski-yes, Leahy-yes, Ivers-yes, LaGue-yes.*

Motion passed 6 to 0 with 1 recusal by Vice President Williamson.

*A motion was made by Vice President Williamson, seconded by Trustee Leahy, to authorize the Executive Director to appoint additional Freedom of Information Officers at the staff level as necessary to comply with the revised Illinois Freedom of Information Act as presented.*

Further discussion was about the increased amount of time and training required if a board member serves as the Freedom of Information Officer.

A roll call vote gave the following results: Ewertowski-yes, Carver-yes, O'Donnell-yes, Williamson-yes, Leahy-yes, Ivers-yes, LaGue-yes.

Motion passed unanimously.

## **11.0 OTHER BOARD BUSINESS**

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

*A motion was made by Trustee Leahy, seconded by Trustee Carver, to approve the payment of bills, as indicated on the Submission of Bills Pending Report for the month ending 11/30/2009 as presented. A roll call vote gave the following results: O'Donnell-yes, Leahy-yes, Ewertowski-yes, Williamson-yes, Ivers-yes, Carver-yes, LaGue-recused.*

Motion passed 6 to 0 with 1 recusal by President LaGue.

### **11.2 First Reading of Amendment to Administration Policy #200.10-Freedom of Information Act**

Attorney Puma noted that there would be a few more changes in the recommended policy as things were clarified.

### **11.3 Naming of Bike Trail**

*A motion was made by Secretary Ivers, seconded by Trustee Ewertowski to adopt Resolution #09-47 adopting the name of Crystalwood Trail for the*

*multiuse trail built and maintained by the McHenry County Conservation District.*

There was much discussion about the naming of the trail with pros and cons to the various submissions.

A roll call vote gave the following results: Carver-yes, Williamson-no, Ivers-yes, O'Donnell-no, Leahy-no, Ewertowski-yes, LaGue-no.

The motion failed by a vote of 3 to 4.

A new request for additional names will be sent out to the staff and Citizen's Advisory Committee members.

#### **11.4 Change Orders**

There were no additional change orders.

#### **12.0 PRESIDENT'S REPORT**

President LaGue had nothing additional to report at this time.

#### **13.0 TRUSTEES' REPORTS**

Vice President Williamson reported that CMAP had its preferred 2040 plan up for review.

Trustee Leahy thanked staff for the holiday party.

Vice President Williamson reported that the US Fish and Wildlife staff commended the District staff for their hospitality and they were impressed with our species regeneration projects.

Secretary Ivers reported that Chicago Wilderness highlighted our winter camping program.

#### **14.0 DIRECTOR'S REPORT**

Executive Director Kessler reported that the planning is underway for the grand opening of the Lost Valley Visitor Center in August of 2010 and asked the board to consider August 13, 2010 for a VIP reception and August 14, 2010 for the public grand opening. The alternate dates would be July 30<sup>th</sup> and 31<sup>st</sup>, 2010.

#### **15.0 EXECUTIVE SESSION II**

There were no additional items for discussion in executive session.

#### **16.0 RECONVENE II**

#### **17.0 ACTION ON EXECUTIVE SESSION**

##### **17.1 Ordinance #09-801 Authorizing the Acquisition of Real Property Commonly Known as the Konopasek Parcel**

*A motion was made by Trustee Carver, seconded by Secretary Ivers, to pass Ordinance #09-801 authorizing the acquisition of real property commonly known as the Konopasek Parcel as presented. A roll call vote gave the following results: Williamson-yes, O'Donnell-yes, Carver-yes, Ivers-yes, Ewertowski-yes, Leahy-yes, LaGue-yes.*

Motion passed unanimously.

17.2 Ordinance #09-802 Authorizing the Acquisition of Real Property Commonly Known as the Chewning Parcel

*A motion was made by Secretary Ivers, seconded by Trustee Carver, to pass Ordinance #09-802 authorizing the acquisition of real property commonly known as the Chewning Parcel as presented. A roll call vote gave the following results: Ewertowski-yes, Carver-yes, O'Donnell-yes, Williamson-yes, Leahy-yes, Ivers-yes, LaGue-yes.*

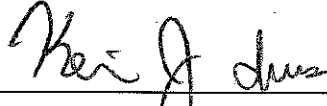
Motion passed unanimously.

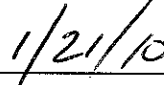
**18.0 ADJOURN**

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

Motion passed unanimously. Meeting adjourned at 8:50 p.m. December 17, 2009.

Respectfully submitted,

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

  
\_\_\_\_\_  
Date