

# FILE

## BOARD OF TRUSTEES McHENRY COUNTY CONSERVATION DISTRICT Minutes of September 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 6:08 p.m. by President LaGue on the evening of September 17, 2009, at the Brookdale Administrative Office, 18410 US Highway 14, Woodstock, Illinois.

### 2.0 ROLL CALL

Trustees Present: David LaGue, President  
Tom O'Donnell, Treasurer  
Kevin Ivers, Secretary  
Martha Carver, Trustee  
Bonnie Leahy, Trustee  
Matthew Ewertowski, Trustee

Trustee Absent: Nancy Williamson, Vice President  
(arrived between Items 3.0 and 4.0 during break)

Counsel & Staff Present: Robert Bush, Corporate Counsel  
Elizabeth S. Kessler, Executive Director  
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 Secretary Ivers, seconded by Trustee Leahy, to go into Executive Session pursuant to Exception 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, 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 reconvened at 7:13 p.m. by Vice President Williamson on the evening of September 17, 2009, at the Brookdale Administrative Office, 18410 US Highway 14, Woodstock, Illinois.

## ROLL CALL

Trustees Present: Nancy Williamson, Vice President  
Tom O'Donnell, Treasurer  
Kevin Ivers, Secretary  
Martha Carver, Trustee  
Bonnie Leahy, Trustee  
Matthew Ewertowski, Trustee

Trustee Absent: David LaGue, President

Counsel & Staff Present: Robert Bush, 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  
Wendy Kummerer, Communications Manager  
Amy Peters, Planning & Development Manager  
Tom McCarthy, Land & Facilities Manager  
Val Siler, Land Preservation Manager

Others Present: Dr. Cynthia Skrukrud, Richmond/Solon Mills  
Kathy Chapman, Ringwood  
Marjorie Schupman, Woodstock  
Jill Johnson, McHenry  
David Novak, Wonder Lake  
Wayne Japp, Woodstock  
John Darger, Crystal Lake  
John Vrett, Bull Valley  
Mark Comasta, Crestview Estates

## 5.0 PLEDGE OF ALLEGIANCE

## 6.0 PUBLIC HEARING

### 6.1 Motion to Recess to Public Hearing

*A motion was made by Secretary Ivers, seconded by Trustee Carver, to recess the Regular Meeting for the purpose of conducting a public hearing on Ordinance #09-835, "An Ordinance establishing the levy and assessment of property taxes in the Year 2009; to be collected in the Year 2010". A voice vote resulted in all Ayes.*

Motion passed unanimously.

## 6.2 2009 Levy and Assessment of Taxes Presentation

Director of Finance Dylak explained the funds involved in the levy appropriation noting that the General Fund increase was only .88%. He also covered the Debt Fund though it was not part of this increase. The total levy and assessment of taxes requested was a 1.6% increase over the previous year covering all three funds.

## 6.3 Public Comments on Ordinance #09-835

David Novak of Wonder Lake cited numbers pulled from various District documents he found on the website and recommended the District spend down the cash reserves prior to increasing taxes.

John Vrett of Bull Valley spoke against increasing taxes.

Cynthia Skrukrud of Solon Mills/Richmond stated that the District was a bargain not a burden and supported the small tax increase requested.

Mark Comasta of Crestview Estates spoke of his support of what the District does but recommended not asking for any increase given the economic times.

## 6.4 Reconvene to Regular Meeting

*A motion was made by Trustee Carver, seconded by Trustee Leahy, to adjourn the public hearing and reconvene the regular public meeting. A voice vote resulted in all Ayes.*

Motion passed unanimously.

## 7.0 **PUBLIC COMMENTS**

Cynthia Skrukrud of Richmond/Solon Mills commented on the minutes of July 16, 2009 and comments made by Tom Zanck on behalf of the American Community Bank asking for local control instead of protection under the Illinois Nature Preserves Commission for the HUM Railroad Prairie. She asked that Board members consider the best method to protect the lands and that would be with the State.

John Vrett of Bull Valley made a brief comment regarding the bank.

## 8.0 **PRESENTATIONS/INTRODUCTIONS**

There were no presentations or introductions at this time.

## 9.0 **COMMITTEE REPORTS**

### 9.1 Trustee Reports on Conferences & Meetings Attended

#### 9.1a Fox River Ecosystem and Kishwaukee River Ecosystem Partnerships

Vice President Williamson reported that FREP had reviewed the new river ranking system from the Illinois Department of Natural Resources.

9.1b Imagine McHenry County

Secretary Ivers reported that there had been no recent meetings.

9.1c Agricultural Conservation Easement and Farmland Protection Commission

President LaGue had left to receive an award as Conservation Farmer of the Year sponsored by the McHenry County Soil and Water Conservation District.

9.1d Chicago Wilderness

Secretary Ivers reported that the annual conference is coming up in November.

9.1e IACD/IACFPD/IAPD

Trustee Carver encouraged others to attend the annual meeting October 8-9, 2009 in Decatur. She and Director of Operations Kremer will be attending so far.

9.1f McHenry County Conservation Foundation

Vice President Williamson reported that the next meeting will be held on September 21, 2009. The MCCF Board of Directors will recommend some dates for a joint meeting with the Board of Trustees.

9.1g Other

9.2 Finance Committee

9.2a Verbal report of meeting held on September 16, 2009

Treasurer O'Donnell reported that the group had received a presentation by Sikich, LLP on the recently completed audit. He gave kudos to the staff and Director of Finance Dylak for great record keeping. The group had one concern regarding underfunding of the pension fund. The committee recommended acceptance of the audit and passage of the Levy and Appropriation Ordinance.

9.3 Outreach & Advocacy

9.3a Verbal report of meeting held on September 17, 2009

Secretary Ivers reported that the committee is inviting the rest of the Board to the upcoming Citizens Advisory Committee meeting on October 21, 2009. He then asked the Board members to sign up for attending municipal meetings and he will assign members to uncovered locations. Secretary Ivers reported the Executive Director Kessler would be attending an Urban Summit in Washington, D.C.

## 10.0 COUNTY BOARD LIAISON REPORT

County Board Liaison Merkel was not present to make a report.

## 11.0 BOARD BUSINESS - CONSENT AGENDA

- 11.1 Approval of Minutes
  - 11.1a August 12, 2009 - Special Call Meeting
  - 11.1b August 20, 2009
- 11.2 Receive & Place in Confidential File Closed Session Minutes - Already Distributed
  - 11.2a August 20, 2009
- 11.3 Board Committee Minutes to be Received and Placed on File
  - 11.3a Finance Committee Minutes of August 17, 2009
  - 11.3b Outreach & Advisory Committee Minutes of August 20, 2009
- 11.4 Treasurer's Report
- 11.5 Staff Monthly Report for September
- 11.6 Motion to approve the lowest qualified bidders of Prairie Moon Nursery of Winona, MN (\$153,468.50), Allendan Seed Company of Winterset, IA (\$83,232.59), Shooting Star Native Seeds of Spring Grove, MN (\$64,642.37), Ion Exchange of Harpers Ferry, IA (\$56,452.83), Prairie Nursery of Westfield, WI (\$14,585.00), Taylor Creek Restoration Nurseries of Brodhead, WI (\$10,083.06), J.F.New & Associates, Inc. of Walkerton, IN (\$5,607.00), Spence Restoration Nursery of Munice, IN (\$1,102.44), and Carver's Native Plants of Hebron, IL (\$407.00) for a total cost not to exceed \$389,580.79 for the completion of seeding projects on approximately 656 acres of various habitats for standard mixes and bond projects within conservation areas.
- 11.7 Motion to award the contract for the construction of the asphalt entrance drive, parking lot, rain gardens, shelter and restroom, ADA path and native landscape restoration at Lake in the Hills Fen Conservation Area, from Team REIL of Marengo, IL, the lowest qualified bidder, for a cost not to exceed \$481,352.10.
- 11.8 Motion to award a contract to the lowest qualified bidder, Maneval Construction Company, Inc. of Grayslake, IL, for the construction of an asphalt entrance drive, parking lot, minus line item #E1 Toilet Building (\$59,160.00) for the High Point Conservation Area, for cost not to exceed \$124,069.37.
- 11.09 Motion to reject all bids received for snowplowing bid #0609.07.01.
- 11.10 Motion to adopt Resolution #09-30 authorizing an agreement between the District and NRB Land Development Group, LLC for wetland mitigation and enhancement to the Harrison Benwell Conservation Area and Off-site Mitigation Areas 1 & 2.
- 11.11. Motion to adopt Resolution #09-31 authorizing the execution of an intergovernmental agreement with the City of Crystal Lake

permitting the removal of snow along a section of the Prairie Trail between Route 14 and Crystal Lake Avenue.

- 11.12 Motion to accept the Audited Financial Report prepared by Sikich, LLP for the 2009 Fiscal Year ended March 31, 2009.
- 11.13 Item moved to Other Board Business (12.3).
- 11.14 Second Reading. Motion to pass Ordinance #09-782 amending General Use Ordinance governing the use of Conservation Sites of the District.
- 11.15 Motion to adopt resolution 09-33 authorizing approval of the grant agreement for project # 2009-2, Small Waters Wetland Restoration, with The Conservation Fund in the amount of \$42,000.
- 11.16 Motion to adopt resolution 09-34 authorizing approval of the grant agreement for project # 2009-2, Monteloma Springs Wetland Restoration, with The Conservation Fund in the amount of \$52,000.
- 11.17 Motion to rescind bid acceptance, Contract # 17 for the Lost Valley Visitor Center Project approved at the August 20, 2009 Board Meeting which was awarded to Sentinel Fire Suppression due to inadvertent mathematical error.
- 11.18 Motion to accept the bid from Century Automatic Sprinkler Company of Gurnee, IL, the lowest qualified bidder, for the fire suppression system for the Lost Valley Visitor Center Project Contact #17 for a cost not to exceed \$275,700.

It was requested that items 11.6 and 11.15 be removed from the Board Business Consent Agenda for additional discussion.

Executive Director Kessler provided a minor modification to the agreement under Item 11.11 allowing for 30 day notification for either party to terminate the agreement.

*A motion was made by to approve Board Business-Consent Agenda items 11.1 through 11.5, 11.7 through 11.14, and 11.16 through 11.18 as presented.*

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

Motion passed unanimously.

*A motion was made by Treasurer O'Donnell, seconded by Trustee Leahy, to approve Board Business Consent Agenda item 11.6 authorizing the purchase of seed as presented. A roll call vote gave the following results: Ewertowski-yes, Carver-abstain, O'Donnell-yes, Williamson-yes, Leahy-yes, Ivers-yes.*

Motion passed 5 to 0 with one abstention.

*A motion was made by Trustee Carver, seconded by Trustee Leahy, to approve Board Business Consent Agenda item 11.15 Adopting Resolution #09-33 and the approval of a grant agreement as presented. The location of the project on Alden Sedge Meadow Conservation Area was clarified. A roll call*

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

Motion passed unanimously.

Treasurer O'Donnell requested that information be added to the website stating where grant funds are being used.

## **12.0 OTHER BOARD BUSINESS**

### **12.1 Approval of Bills Payable for the Month of August 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 8/31/2009 as presented. A roll call vote gave the following results: Carver-yes, Williamson-recused, Ivers-yes, O'Donnell-yes, Leahy-yes, Ewertowski-yes.*

Motion passed unanimously.

### **12.2 2009 Property Tax Levy Ordinance #09-835**

*A motion was made by Secretary Ivers, seconded by Trustee Leahy, to pass Ordinance #09-835, An Ordinance establishing the levy and assessment of property taxes in the Year 2009; to be collected in the Year 2010. A roll call vote gave the following results: Ivers-yes, Ewertowski-yes, Leahy-yes, Carver-yes, O'Donnell-yes, Williamson-yes.*

Motion passed unanimously.

### **12.3 Professional Services Agreement for Engineering Services for Phase 2 of the Crystal Lake to Woodstock Trail**

Director of Operations Kremer spoke of the hurdles included in this phase of the project including the crossing of Walkup Avenue with potentially a new type of at grade crossing. Planning & Development Manager Peters stated that the Engineering Services covered by this agreement include solving several issues in addition to the crossing.

*A motion was made by Trustee Carver, seconded by Trustee Leahy, to authorize the Executive Director to execute a Professional Services Agreement with Baxter & Woodman Consulting Engineers for the Phase 2 Engineering Services for the Crystal Lake to Woodstock trail east of Oak Street. A roll call vote gave the following results: Williamson-yes, O'Donnell-yes, Carver-yes, Ivers-yes, Ewertowski-yes, Leahy-yes.*

Motion passed unanimously.

### **12.4 Change Orders**

Executive Director Kessler reported that there were no additional change orders to review at this time although there will be some from the Lost Valley Visitor Center for the October meeting for items found during the demolition phase of the project. She also reported that the project was moving along well and is on schedule.

### 13.0 PRESIDENT'S REPORT

Vice President Williamson thanked the staff on behalf of the Sustainable Watershed Action Team for handling the registration for the successful workshop held on September 11, 2009.

### 14.0 TRUSTEES' REPORTS

There were no items to report at this time.

### 15.0 DIRECTOR'S REPORT

#### 15.1 Grand Opening

Executive Director Kessler reminded those present of the Grand Opening of a portion of the Crystal Lake to Woodstock Trail on September 24, 2009 at 5:30 p.m.

Executive Director Kessler thanked Director of Operations Kremer for taking over while she was out of the office for a couple of weeks. She also noted that the Trail of History publicity is gearing up.

Executive Director Kessler reminded those present that the next Board meeting will be October 22, 2009 and the next Finance Committee meeting will be October 19, 2009.

### 16.0 EXECUTIVE SESSION II

There was no need to go into Executive Session at this time.

### 18.0 ACTION ON EXECUTIVE SESSION

#### 18.1 Ordinance #09-787 Authorizing the Purchase of Real Property Commonly Known as the Merryman Parcel

*A motion was made by Trustee Carver, seconded by Trustee Leahy, to pass Ordinance #09-787 authorizing the acquisition by purchase and execution of documents for real property commonly known as the Merryman Parcel as presented. A roll call vote gave the following results: Williamson-yes, O'Donnell-yes, Carver-yes, Ivers-yes, Ewertowski-yes, Leahy-yes.*

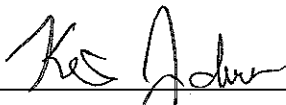
Motion passed unanimously.

### 18.0 ADJOURN

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

Motion passed unanimously. Meeting adjourned at 8:05 p.m. on September 17, 2009.

Respectfully submitted,

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

10/22/09  
Date