

**STORMWATER MANAGEMENT PLANNING COMMITTEE
MEETING MINUTES**

March 1, 2012

The DeKalb County Stormwater Management Planning Committee (SMPC) met on March 1, 2012 at 3:00 p.m. in the DeKalb County Administrative Building, Conference Room East, in Sycamore, Illinois. In attendance were Committee members Norm Beeh, Mark Biernacki, John Laskowski, Bill Lorence, Joel Maurer, Paul Miller, Joe Misurelli, Tom Thomas, and Donna Prain. Also in attendance were Nathan Schwartz, and Anita Zurbrugg.

1. **Roll Call** -- *Mr. Miller noted that Committee members Ken Andersen, Roger Steimel, and Pat Vary were absent.*
2. **Approval of Agenda** – *Mr. Misurelli moved to approve the agenda, seconded by Mr. Laskowski, and the motion carried unanimously.*
3. **Approval of Minutes** -- *Ms. Prain moved to approve the minutes of the September 1, 2011 meeting, seconded by Mr. Biernacki, and the motion carried unanimously.*

Mr. Thomas arrived.

4. Watershed – Approach to Stormwater Management

Mr. Miller pointed out that the SMPC discussed at its September 1, 2011 meeting the possibility of working with the DeKalb County Community Foundation (DCCF) on funding at least a portion of a watershed study. He explained that DCCF has funds available that may be applied to a study of the headwaters of the East Branch of the South Branch of the Kishwaukee River, the watershed identified by the SMPC as the first one for which a study should be produced. Mr. Miller said that DCCF has continued to discuss the possibility of a cooperative effort with the SMPC on such a study, and has identified the possibility of applying for a Section 319 grant. He then introduced Anita Zurbrugg, a representative of DCCF, to discuss this approach, ask questions of Committee members, and receive feedback on how such a watershed project could proceed.

Ms. Zurbrugg introduced herself and gave the Committee some background on her involvement with DCCF. She went on to inform the Committee that DCCF had some resources available for use in County-related water issues. Ms. Zurbrugg elaborated that one possible funding source was through the Section 319 grant from the IEPA. She explained that such funds are often used for implementation grants, but could also be used for watershed planning. She said that DCCF could potentially have upwards of \$32,000 to \$50,000 available to be used in a matching grant with IEPA Section 319, which requires a 60/40 match. She suggested that the Committee and DCCF form a selection committee to pick an engineer to prepare the proposal and application for the grant. Ms. Zurbrugg then distributed a draft timeline showing those actions already taken by DCCF and those actions proposed to be taken by DCCF and the Committee together (see attached). She elaborated upon the items contained in the timeline, expanding on a similar program undertaken by Winnebago County for the Madigan Creek Watershed. She explained that one of the things Winnebago County did was to put out an RFQ without spending any

dollars up front, invited a list of engineering firms with experience in doing Section 319 grants, and these then submitted proposals. The idea was that the firm that succeeded in getting the grant for the County would automatically become the County's engineer of choice for implementation of the project.

Ms. Zurbrugg handed out a map showing the Union Ditch watershed, and invited Ms Prain, who is also on the DCCF's Land Use Committee, to speak about the findings of that Committee and what it was proposing. Ms. Prain pointed out that the map also depicted the East Branch of The South Branch of the Kishwaukee River watershed. She suggested that the Committee should start their watershed study by looking at the Union Ditch and the Virgil Ditch Watersheds. She explained that it would be meaningless to examine the East Branch of the South Branch of the Kishwaukee River watershed without first examining the Union Ditch watershed, which drains into it, and the Virgil Ditch watershed, which lies primarily within Kane County but drains into the Union Ditch. Mr. Laskowski inquired whether Kane County had already compiled any data on the Virgil Ditch that could be used in the proposed study. Ms. Prain responded that Kane County had compiled a lot of data on Virgil Ditch. She also noted that the DeKalb County GIS system also possessed a lot of usable data that would greatly add in performing a study. She then provided the Committee with some examples of other studies that had been completed using the 319 grant process.

Ms. Zurbrugg stated that it was hoped that the process that DCCF and the Committee come up with serve as a template by which all of the other watersheds can be studied. She added that while the first study would be expensive, the remaining ones would be less so.

Mr. Miller explained that the SMPC's ultimate goal is a watershed plan, not just a study. The study would lead to the identification of problem areas, potential solutions, the prioritizing of solutions, and the formation and eventual signing off on regulations applicable to new development within the boundaries of that plan by those jurisdictions having authority to enforce stormwater regulations. He summarized by noting that DCCF has resources available and had already been doing some work towards these goals, and may be a source of matching funds towards a watershed study that the Committee has identified. He then asked the Committee members for their feedback on Ms. Zurbrugg's proposals.

Mr. Laskowski inquired whether a governmental agreement with Kane County would be necessary. Mr. Biernacki also inquired whether there would be any jurisdictional issues with Kane County regarding the Virgil Ditch. Ms. Zurbrugg responded that there would be no issues in that regard. Mr. Lorence informed the Committee that the DeKalb County had already participated with Kane County in their Coon Creak and Burlington Studies and that no governmental agreements had been required to do so. Mr. Miller also pointed out that a watershed plan would not require sign off by Kane County. It would be invited to participate, and if it choose to do so it could adopt the resulting watershed plan as well, but DeKalb County's ability to develop and adopt a watershed plan would not be predicated on whether Kane County chose to do so.

Ms. Zurbrugg suggested that the next step would then be going back to the EPA for dollars to develop the implementation plan. Mr. Miller stated that the implementation plan should be developed along side with the study, and that this requirement should be made part of the RFQ.

Mr. Miller asked the Committee if there were any other comments on the idea of partnering with the DCCF. Mr. Maurer agreed that this would be a good approach. Ms. Prain noted that it would allow the Committee to identify the opportunities available and to put a dollar amount on the project.

Mr. Maurer explained that when Winnebago County did its watershed plan, it had a neighborhood group that worked with the engineer and helped to marshal it in the community. He wondered if DeKalb County has anything similar. Ms. Zurbrugg responded that the Steering Committee which DCCF proposed as part of the Section 319 approach would take that roll in DeKalb County. She said the steering committee would be composed of representatives from municipalities, townships, the County, and local land owners. She added that contacting and gathering the citizens concerns is a part of the 319 grant process.

Mr. Beeh noted that the Committee's main concern was flood control and inquired whether there would be a problem applying for the 319 funds. Ms. Zurbrugg responded that most of the 319 funding grants were used to address flooding. Mr. Miller, Ms. Prain, and Mr. Biernacki all addressed the relationship of flood control to watershed control. Mr. Thomas expressed some concern about the EPA, but felt that approach was a good one.

Mr. Biernacki asserted that Kane County would need to be an active part of the study. Mr. Miller clarified that while Kane County's involvement is desirable, and that it is hoped Kane County would endorse the plan once it is created, the plan would not be dependent on Kane's participation and approval. Mr. Lorence noted that Kane County's regulations were even stricter than DeKalb County's, thus he would not foresee any problems with them partnering on this project.

Mr. Lorence motioned for the Committee to agree to partner with DCCF in seeking 319 funding for the proposed watershed plan, seconded by Mr. Misurelli, and the motion carried unanimously.

Ms. Zurbrugg distributed a list drafted by DCCF of persons and groups they felt should be included in the proposed DeKalb County Watershed Planning Steering Committee. She explained that there are two stages of committee work, the first being the selection of the engineer to prepare the grant proposal. She suggested that the full Steering Committee need not be involved in that action, instead suggesting that a selection committee composed of three (3) members of the DCCF and three (3) members of the SMPC be chosen to select the finalist engineering firms to be interviewed. After a firm has been chosen, it would then be that committee's responsibility to contact the people and groups listed on the handout and engage their input in drafting the grant proposal. Mr. Miller agreed that a selection committee should be assigned. He asked Mr. Lorence and Mr. Schwartz whether RFQs had any special requirements regarding the use of funding, if said funding came from the County instead of a private entity. Mr. Lorence replied that the engineer selection has to be qualification based, and that price could not be considered until after the selection. Ms. Zurbrugg noted that if it were to act as the contracting entity for the RFQ, DCCF still has control of dollars for 2012 that they could use. She added, however, that if the County were to follow the methodology used in the Madigan

Creek watershed study, no dollars would be exchanged up front in engaging the engineering firm. She suggested that the best option would be to have the actual contracting arrangement be between DCCF and the chosen engineering firm, rather than between the firm and the County. Mr. Lorence agreed that this would simplify things. Ms. Zurbrugg added that if this method is followed and the grant is awarded, the actual contract with the EPA would be between the EPA and the County.

Mr. Miller suggested that he, Ms. Prain, and Mr. Schwartz serve as the Committee's representatives on the selection committee.

Mr. Thomas said that he was under the impression that the Committee could not talk as a government body about prices with an engineer, unless it first retains that engineer. Once selected, discussion about costs could be held, and if the two sides do not agree, the engineering firm has to fire it before another can be selected. Mr. Maurer and Mr. Lorence explained that the engineer is not actually "hired" before the prices are worked out, but that a process is involved that would necessitate dealing with the engineering firms one at a time. Mr. Miller elaborated that the idea of the RFQ is that it is sent out to a number of firms who then make their pitch to the County as to why they should be selected, and that no money is involved in that part of the process.

Ms. Zurbrugg presented the Committee a list of the engineering firms that responded to the RFQ for the Madigan Creek Study, and inquired whether there were some other firms that the committee members felt should be added to it. Mr. Miller noted that the list contained: Applied; ENCAP; Hay; JFNew; Trotter; and LW. The Committee also suggested adding Baxter/Woodman, Pier Gram; Wendler, and Missman Stanley. Mr. Miller asked that if any of the Committee members come up with any further suggestions, that they contact him by Friday, March 2, so that he can compile a list that he would then forward on to Ms. Zurbrugg on Monday, March 5.

Mr. Misurelli motioned that Mr. Miller, Ms. Prain, Mr. Schwartz, and Mr. Lorence serve as the SMPC representatives on the selection committee (in conjunction with whoever the DCCF appoints), seconded by Mr. Beeh, and the motion carried unanimously.

Ms. Zurbrugg asked if the Committee had an idea on the actual area to include. Mr. Lorence noted that as part of the response to the RFQ, the engineer would refine the potential study area to be examined. Ms. Prain also noted that any experienced firm would be able to abide by the suggested timeline.

Mr. Miller asked that Ms. Zurbrugg email him with a list and contact information of the representatives appointed by DCCF to the selection committee, and suggested that the selection process could be preformed via email, instead of meeting in person.

5. Next Meeting:

After a brief discussion the Committee decided to meet May 31, 2012 at 3pm in the Conference Room East.

7. ***Adjournment*** -- *Mr. Laskowski motioned to adjourn, seconded by Mr. Thomas, and the motion carried unanimously.*

Respectfully submitted,

Paul R. Miller, AICP
Chairman, DeKalb County Stormwater Management Planning Committee

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