



FOREST PRESERVE DISTRICT OF KANE COUNTY

EXECUTIVE COMMITTEE MINUTES

I. Call to Order

The Forest Preserve District Executive Committee meeting was held Thursday, April 7, 2022 at 8:30 AM at the Administration Offices located at 1996 S. Kirk Road, Suite 320, Geneva, IL 60134. The meeting was opened by President Chris Kious at 8:30 AM. Remote=*

Members Present:

| <u>Attendee Name:</u> | <u>Status:</u> |
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| President Chris Kious | Present |
| Commissioner Mavis Bates | Present* |
| Commissioner Dale Berman | Present |
| Commissioner Michael Kenyon | Present |
| Commissioner Drew Frasz | Present |
| Commissioner John Martin | Present |
| Commissioner Myrna Molina | Present* |
| Commissioner Jarett Sanchez | Present (via remote@8:32 a.m.) |
| Commissioner Barbara Wojnicki | Present |

Others Present:

Commissioners: Allan*, Davoust, Brown; Exec. Dir. Meyers; CFO Stanish & staff Petschke*; Dir. of Ops. Goreth; Landscape Architect Tegge; Dir. of NRM Haberthur & staff Rodeghero*; Dir. of Comm. Affairs Metanchuk & staff Kovach; HR Dir. Yee & staff Misner; Chief of Police & Dir. of Public Safety Burger; Attorney Hodge and Recording Secretary Figliozzi.

II. Approval of Minutes from March 3, 2022

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| RESULT: | APPROVED BY ROLL CALL VOTE [UNANIMOUS] |
| MOVER: | Barbara Wojnicki, Commissioner |
| SECONDER: | Dale Berman, Commissioner |
| AYES: | Mavis Bates, Dale Berman, Michael Kenyon, Drew Frasz, John Martin, Myrna Molina, Barbara Wojnicki |
| ABSENT: | Jarett Sanchez |

III. Public Comment (Each Speaker is limited to three minutes)

None.

IV. Presentation and Approval of Bills and Commissioners' Per Diem from March 2022

(Commissioner Sanchez arrived via zoom @ 8:32 a.m.)

RESULT: **MOVED FORWARD BY ROLLCALL VOTE [UNANIMOUS]** **Next: 4/12/2022 9:00 AM**
TO: Forest Preserve District Commission
MOVER: Drew Frasz, Commissioner
SECONDER: John Martin, Commissioner
AYES: Mavis Bates, Dale Berman, Michael Kenyon, Drew Frasz, John Martin, Myrna Molina,
 Jarett Sanchez, Barbara Wojnicki

V. Finance and Administration

A. Presentation and Approval of Change Order #10 with Wadsworth Golf Construction Company for the Settler's Hill Golf Course Renovation Project

Exec. Dir. Meyers presented the change order for the Settler's Hill construction project, adjustments included renting a generator to resolve the loss of power issue. Wadsworth Golf Construction Company has completed a majority of the project, however there is an outstanding balance due related to the Change Order #10 request. Funds totaling \$5,814,226.37 were budgeted and allocated for the SHGC Renovation Project with Wadsworth Golf Construction Company. In addition, a contingency fund was approved at 5%, \$290,712.00, all of which has been used in the prior nine change orders. Presently, there are \$515,175.55 funds available for the overall SHGC Project. The total Settler's Hill Golf Course Project budget is \$7,497,400.

DISCUSSION: *Commissioner Kenyon asked if the District purchased the generator. Exec. Dir. Meyers indicated that the generator was rented through Wadsworth golf, noting that staff did not anticipate to have it long term. The issue was the installation from Com Ed, power was delayed.*

RESULT: **MOVED FORWARD BY ROLLCALL VOTE [UNANIMOUS]** **Next: 4/12/2022 9:00 AM**
TO: Forest Preserve District Commission
MOVER: Dale Berman, Commissioner
SECONDER: John Martin, Commissioner
AYES: Mavis Bates, Dale Berman, Michael Kenyon, Drew Frasz, John Martin, Myrna Molina,
 Jarett Sanchez, Barbara Wojnicki

B. Presentation and Approval of a Contract Extension for Design, Final Engineering and Construction Administration with Wight & Company for the Settler's Hill Golf Course Start-Up Project

Exec. Dir. Meyers presented the contract extension with Wight and Company. The Forest Preserve District of Kane County extended a contract for conceptual planning services for the Settler's Hill Golf Course (SHGC) Start-Up Project which included a location for a future clubhouse, cart storage, cart path circulation to hole #1, driving range parking lot, and resurfacing of the existing parking lot and a portion of the access road. Phase I preliminary design is complete. The original contract totaled \$18,900, with final expenditures of \$15,000 (\$3,900 under contract).

Said funds will be used towards the new contract, which is \$15,400 (\$11,500; applying remaining \$3,900), for a new contract total of \$30,400. This next phase of work will include final design, engineering services, bid documents and construction administration for the Settler's Hill Golf Course Start-Up Project: Cart Path, Parking Lot Resurfacing and Driving Range Parking Lot.

DISCUSSION: *None.*

RESULT: **MOVED FORWARD BY ROLLCALL VOTE [UNANIMOUS] Next: 4/12/2022 9:00 AM**
TO: Forest Preserve District Commission
MOVER: Barbara Wojnicki, Commissioner
SECONDER: Drew Frasz, Commissioner
AYES: Mavis Bates, Dale Berman, Michael Kenyon, Drew Frasz, John Martin, Myrna Molina,
 Jarett Sanchez, Barbara Wojnicki

C. Presentation and Approval of a One-Time COVID-19 Special Compensation Program

Exec. Dir. Meyers presented the one-time covid-19 special compensation for District employees. Meyers explained, during the COVID-19 shut down, the preserves were kept open and staff worked through the entire time of the pandemic. Operations were managed for staff distancing and safety. This one time compensation is a way to show gratitude for all their hard work and dedication.

Throughout the pandemic, District employees have demonstrated their commitment to keeping the preserves open in order to provide the public with access to outdoor spaces to support well-being and respite. The District values the dedication of its employees and would like to acknowledge their dedication by providing all full-time and year-round part time employees with a one-time, special compensation in the form of a lump-sum payment. A summary of the recommendation is as follows:

- Any full time employee who was hired on, or prior to, December 31, 2020 and is still employed with the District on May 1, 2022 shall be awarded a one-time, lump-sum payment of \$500.
- Any full time employee who was hired between January 1, 2021 and December 31, 2021 and is still employed with the District on May 1, 2022 shall be awarded a one-time lump-sum payment of \$250.
- Any year-round, part time employee who worked at least 500 hours during the 2021 calendar year, and is still employed with the District on May 1, 2022 shall be awarded a one-time, lump-sum payment of \$100.
- The Executive Director, Chief Financial Officer, Chief of Planning and Operations and other Director level positions will not be eligible to receive this One-Time COVID-19 Special Compensation.
- Eligible employees will receive the one-time, lump-sum, special compensation during FY2021-2022.

DISCUSSION: *Commissioner Kenyon asked if at any point the District encountered employees who refused to work during the shutdown. Exec. Dir. Meyers stated that no one expressed refusal to work. Commissioner Frasz noted that the benefit versus the cost was obvious and commended the staff for their hard work. Commissioner Bates thanked Exec. Dir. Meyers for offering this incentive to the employees.*

RESULT: **MOVED FORWARD BY ROLLCALL VOTE [UNANIMOUS] Next: 4/12/2022 9:00 AM**
TO: Forest Preserve District Commission
MOVER: Dale Berman, Commissioner
SECONDER: Drew Frasz, Commissioner
AYES: Mavis Bates, Dale Berman, Michael Kenyon, Drew Frasz, John Martin, Myrna Molina,
 Jarett Sanchez, Barbara Wojnicki

VI. Planning & Utilization

A. Presentation and Approval of a Bid to Remove Underground Fuel Oil Tanks at the Schweitzer Woods Forest Preserve

Exec. Dir. Meyers presented the bid for the removal of the underground fuel oil tanks. The District joined with the Friends of the Fox River (FOTFR) non-for profit group on a grant awarded from the Grant Victoria Riverboat, Kane County, to make improvements to the house as well as to remove the underground oil tanks. After removal, the second phase of the project is to test the soil and remediate if necessary.

The Commission approved funding in the 2021/22 fiscal year budget, for the removal of three 550-gallon underground fuel oil tanks at Schweitzer Woods Forest Preserve. The tanks were utilized for

storing fuel oil for heating the house and dog kennel. Over the past six years, new furnaces have been installed and the fuel tanks pumped out and abandoned. Due to concerns of the metal tanks deteriorating and possible environmental issues, the tanks should be removed. As part of the removal process, certain underground storage tank (UST) regulations must be met. Since 2009, the Friends of the Fox River has had a License Agreement to utilize the house and the dog kennel. The Friends of the Fox River have been helpful with the upkeep of these structures, and have always met the requirements of the License Agreement.

In 2021, Friends of the Fox River and the District jointly applied for a Grand Victoria Riverboat Fund Grant to help with the maintenance items of the structures, such as new windows, gutters, downspouts, doors etc., as well as the removal of the underground storage tanks (the District's portion of the project). The project was awarded a total of \$31,799, with \$10,694 allocated to the removal of the underground fuel tanks. The Commission approved \$47,500 in the FY 2021/22 budget for the tanks removal project. The project was publicly bid and sent to 33 vendors with one responding; TriCore Environmental, LLC from Naperville, IL. This company previously completed fuel tank removals for the District, after the purchase of the Brunner Family Farm Forest Preserve. The multiple fuel tank removal was completed within budget and according to specifications.

DISCUSSION: Commissioner Martin asked about the quality of soil if left in the ground. Exec. Dir. Meyers explained that the tanks could erode and contaminate the ground if not taken out. Commissioner Allan asked if the excavated holes would be filled in by staff, Meyers responded, that process is part of the project included in the bid.

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| RESULT: | MOVED FORWARD BY ROLL CALL VOTE [UNANIMOUS] | Next: 4/12/2022 9:00 AM |
| TO: | Forest Preserve District Commission | |
| MOVER: | Jarett Sanchez, Commissioner | |
| SECONDER: | Barbara Wojnicki, Commissioner | |
| AYES: | Mavis Bates, Dale Berman, Michael Kenyon, Drew Frasz, John Martin, Myrna Molina, Jarett Sanchez, Barbara Wojnicki | |

VII. New or Unfinished Business

None.

VIII. Closed Session to Discuss Land Acquisition, License Agreements, Potential Litigation and Personnel

The Committee moved into Executive Closed Session @ 8:48 a.m. to discuss license agreements and potential litigation.

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| RESULT: | APPROVED BY ROLL CALL VOTE [UNANIMOUS] |
| MOVER: | Dale Berman, Commissioner |
| SECONDER: | Barbara Wojnicki, Commissioner |
| AYES: | Mavis Bates, Dale Berman, Michael Kenyon, Drew Frasz, John Martin, Myrna Molina, Jarett Sanchez, Barbara Wojnicki |

The Committee returned to Open Session at 9:02 a.m. on a motion by Frasz, Second by Martin, Roll Call Vote was taken, unanimous vote.

IX. Communications

Dir. Metanchuk promoted the native plant sale for the Kane Forest Foundation, noting the last day to order plants online is April 15, 2022. Commissioner Davoust reported, a Foundation meeting is scheduled for today, Thursday at 1:00 p.m. virtually via zoom.

Dir. Metanchuk promoted the Earth Day Event on Saturday April 23, all are invited to help plant trees from 10 am-12pm.

Commissioner Kenyon promoted the 4H Club Youth event, volunteers are needed to pair up and share their day with the young people interested in local government.

X. President's Comments

President Kious promoted the monthly Senior Stroll, today Thursday at 10 a.m. at the Rutland Forest Preserve.

XI. Financial Reports

Reports A-C were moved together.

A. Revenue & Expense Report through February 2022

B. Cash & Investment Report: February 2022

C. Bond Investment Report: February 2022

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| RESULT: | PLACE WRITTEN REPORTS ON FILE [UNANIMOUS] |
| MOVER: | Drew Frasz, Commissioner |
| SECONDER: | Barbara Wojnicki, Commissioner |
| AYES: | Mavis Bates, Dale Berman, Michael Kenyon, Drew Frasz, John Martin, Myrna Molina, Jarett Sanchez, Barbara Wojnicki |

XII. Adjournment

The meeting adjourned at 9:05 a.m.

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| RESULT: | ADJOURNED BY VOICE VOTE [UNANIMOUS] |
| MOVER: | Michael Kenyon, Commissioner |
| SECONDER: | Dale Berman, Commissioner |
| AYES: | Mavis Bates, Dale Berman, Michael Kenyon, Drew Frasz, John Martin, Myrna Molina, Jarett Sanchez, Barbara Wojnicki |

President Chris Kious, Chairman
Forest Preserve District Executive Committee
Forest Preserve District of Kane County

Respectfully Submitted,

Gabriella Figliozi

Gabriella Figliozi
Recording Secretary



FOREST PRESERVE DISTRICT OF KANE COUNTY
EXECUTIVE COMMITTEE CLOSED SESSION MINUTES
APRIL 7, 2022

The Forest Preserve District Executive Committee meeting was held Thursday April 7, 2022 at 8:30 AM at the Administration Offices located at 1996 S. Kirk Road, Suite 320, Geneva, IL 60134. The Closed Session portion of the meeting was opened by President Chris Kious at 8:48 AM. Remote= *

Attendance: President Kious, Commissioners Bates*, Berman, Frasz, Kenyon, Martin, Molina*, Sanchez*, Wojnicki **Absent:** None.

Also Present: Commissioner Brown*, Strathmann*; Exec. Dir. Meyers; Attorney Hodge; CFO Stanish; Dir. of Community Affairs Metanchuk & staff Kovach; Dir. Of Ops. Goreth; HR Dir. Yee; Public Safety Dir. Burger; Recording Secretary Figliozzi.

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| RESULT: | ENTER INTO CLOSED SESSION TO DISCUSS CONTRACTS AT 9:12 AM. ROLL CALL VOTE [UNANIMOUS] |
| MOVER: | Dale Berman, Commissioner |
| SECONDER: | Barbara Wojnicki, Commissioner |
| AYES: | Mavis Bates, Dale Berman, Drew Frasz, Michael Kenyon, John Martin, Myrna Molina, Jarett Sanchez, Barbara Wojnicki |

DISCUSSION:

Exec. Dir. Meyers stated the reason for the Closed Session was to discuss Management Contracts.

Cougars

Exec. Dir. Meyers reported an update regarding the license agreement payment issues with the Cougars. Owner Bob Froehlich stated he would not be paying the March 2022 payment due, citing the Force Majeure clause.

Meyers indicated she has been in discussions with the Geneva city administrator Stephanie Dawkins. Gen is scheduled to have a meeting this week with the Mayor to determine how to proceed. Geneva hired a third party consultant to evaluate the finances. Meyers noted she was unsure what owner Froehlich provided for the evaluation. Meyers stated that the Administrator responded that the matter is not whether to proceed or not, rather how they plan to proceed with the agreement.

DISCUSSION:

Commissioner Bates asked if Mr. Froehlich could essentially not pay. Attorney Hodge explained that unfortunately, within the license agreement, if the company cannot perform, it is in his power to exercise the force majeure clause. The District has waived license fees for 2020 only as it was applicable. The District has not waived the 2021 fees and does not plan to waive 2022 fees.

Commissioner Martin asked if the District would reach litigation. Attorney Hodge explained that would be conceivable, the issue has been that Mr. Froehlich utilizes the force majeure clause on as "on" "off" switch in terms of performance. Hodge indicated that as a business, they are not totally forgiven under the force majeure, however if the company is suffering enough and can determine this financially, then it is applicable.

Attorney Hodge noted that the City of Geneva has revenue sources that the District does not have and may potentially be able to accommodate the Cougars in some way.

Commissioner Frasz asked about data tracking of ticket sales, Hodge noted that we have not seen anything for data tracking other than the 2020 year. Frasz stated that it would be in Froehlich's best interest to provide a comparison of percentage loss within ticket sales and overall revenues to justify the waiver request. Commissioner Davoust felt that a letter to Mr. Froehlich from Exec. Dir, Meyers rather than the District's Attorney would be a consideration. Meyers responded that she would review with Attorney Hodge and write a letter.

Wadsworth Management Company

Exec. Dir. Meyers provided an update regarding a current issue during construction at the Settlers Hill Golf Course. Wadsworth contractor had hit two wells during excavation. /Waste Management has since made all necessary repairs, however they are seeking reimbursement as the second well repair estimated \$70,000 worth of damage. Meyers indicated that Wadsworth is asking for the District to pay Waste Management, however the material was in the scope and in the bid to be covered. The district was not responsible for flagging or marking, that was in Wadsworth contract and they are responsible for the damage. Meyers stated that the District would hold retainage to cover costs. There was consensus to hold retainage, brief discussion occurred.

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| RESULT: | RETURN TO OPEN SESSION AT 9:02 AM. ROLL CALL VOTE [UNANIMOUS] |
| MOVER: | Drew Frasz, Commissioner |
| SECONDER: | John Martin, Commissioner |
| AYES: | Mavis Bates, Dale Berman, Drew Frasz, Michael Kenyon, John Martin, Myrna Molina, Jarett Sanchez, Barb Wojnicki |

Respectfully Submitted,

Gabriella Figliozzi

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Recording Secretary