



1996 S. Kirk Rd. Suite 320
Geneva, IL 60134

Forest Preserve District Executive Committee Meeting Minutes

President Christopher Kious, President Pro Tem Mavis Bates, Treasurer Bill Lenert,
Secretary Myrna Molina, Dale Berman, Michael Kenyon, Anita Lewis, Jarett Sanchez, Cherryl
Strathmann, Vern Tepe

Thursday, July 6, 2023

8:30 AM

3rd Floor Board Room

I. Call to Order

The Forest Preserve District Executive Committee meeting was held Thursday, July 6, 2023. President Kious called the meeting to order at 8:30 AM at the Administration Offices located at 1996 S. Kirk Road, Suite 320, Geneva, IL 60134.

PRESENT President Forest Preserve District Chris Kious
Secretary Forest Preserve District Myrna Molina
Commissioner Dale Berman
Commissioner Anita Lewis
Commissioner Mavis Bates
Commissioner Michael Kenyon
Commissioner Cherryl Strathmann
Commissioner Vern Tepe
Commissioner Jarett Sanchez

Also Present: Commissioners Juby, Roth; Exec. Dir. Haberthur; CFO Petschke; Chief of Plan. & Land Mgmt. Rooks-Lopez; Ops. Dir. Pentecost; Dir. of Comm. Affairs staff Kovach, Thiem; HR Dir. Clough & staff Misner, Cleave; Chief of Police & Dir. of Public Safety Burger; Exec. Assist. Figliozzi & staff Rafferty and Attorney Hodge.

II. Approval of Minutes from June 8, 2023

RESULT: **APPROVED BY UNANIMOUS CONSENT**
MOVER: Vern Tepe
AYE: Dale Berman, Mavis Bates, Mike Kenyon, Anita Lewis, Myrna Molina, Jarett Sanchez, Cherryl Strathmann and Vern Tepe

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

None.

IV. Presentation and Approval of Bills and Commissioners' Per Diem from June 2023

RESULT: **MOVED FORWARD BY ROLL CALL VOTE**
TO: Forest Preserve District Commission
MOVER: Michael Kenyon
SECONDER: Jarett Sanchez

AYE: Dale Berman, Mavis Bates, Michael Kenyon, Anita Lewis, Myrna

V. Finance and Administration

A. Resolution Approving a Bid for Muirhead Springs Forest Preserve Phase-2 Wetland & Stream Mitigation Construction

Chief of Planning and Land Management Rooks-Lopez provided a PowerPoint presentation of the Muirhead Springs Wetland & Stream Mitigation Bank Project. In early 2022, the District completed the initial regulatory establishment of our first wetland mitigation bank. The formal agreement between the District and the U.S. Army Corps of Engineers (ACOE) that established the “Muirhead Springs” wetland mitigation bank is known as a Mitigation Bank Instrument (MBI). Our MBI permits 182.91 (acres) of wetland mitigation credits and 6,041 (linear feet) of stream mitigation credits. Along with authorizing the final wetland specifications and mitigation credit sale criteria, the MBI also spells out the hydrologic and vegetative minimal wetland criteria and associated annual reporting requirements. The MBI further stipulates the amount and type of credits that can be sold and are tied to strict performance standards. Prior to construction, the District has been permitted to sell 20% of the total amount of mitigation credits to fund initial construction. Additional credits will be authorized for sale once the site has successfully met the hydrology standard. The MBI’s construction commencement requirement stipulates that we must begin the project within the growing season following the sale of pre-construction mitigation credits. The District began selling stream mitigation credits in August of 2021; therefore, construction of the stream mitigation phase of the project must begin in the 2023 growing season.

The bids submitted for approval are the final bids for construction and management for all phases of the Muirhead Springs mitigation project. The awarded bids are the Muirhead Springs Forest Preserve Phase-2 wetland & stream mitigation construction with RES Environmental for \$2,361,794.09. The Muirhead Springs wetland mitigation bank planting and 5-year management with V3 Construction for a total of \$5,049,369.00 over the next five years. The Change Order to the 5-year Muirhead Springs monitoring and reporting contract with Davey Resource Group to install additional monitoring wells in phase 1 and 2 as well as five years of monitoring for \$40,500.00 over 5 years. This Change Order will increase Davey Resource Group’s existing contract from \$111,560.00 to \$152,060.00.

DISCUSSION: *Commissioner Bates asked about the drain tiles and the wetlands. Chief of Planning & Land Mgmt. Rooks-Lopez explained that farmers installed clay tiles underground years ago to keep water from flooding crops. Broken tiles allow water to return to the natural wetland. Commissioner Bates asked about the credit selling process. Chief Rooks-Lopez discussed the Army Corps of Engineers regulatory process for determining mitigation ratios and authorizing certain watersheds for credit purchase. She noted that impacts are usually required to be mitigated in the same local watershed. Commissioner Bates asked how the revenues are distributed. Exec. Dir. Haberthur explained the revenues would be utilized for long-term maintenance, land improvement projects, restorations, etc. CFO Petschke discussed the current estimates versus actual expenses. Due to the expenses exceeding the current revenues, monies were transferred to cover the costs, noting there was no risk in pulling funds from the General Fund at this time. Brief conversation occurred.*

RESULT: **MOVED FORWARD BY ROLL CALL VOTE**
TO: Forest Preserve District Commission
MOVER: Mavis Bates
SECONDER: Dale Berman
AYE: Dale Berman, Mavis Bates, Michael Kenyon, Anita Lewis, Myrna Molina, Jarett Sanchez, Cherryl Strathmann, Vern Tepe

B. Resolution Approving a Bid for Muirhead Springs Wetland Mitigation Bank Planting and 5-Year Management

Chief of Planning and Land Management Rooks-Lopez presented the planting and 5-year management contract with the previous resolution including the awarded bids.

DISCUSSION: None.

RESULT: MOVED FORWARD BY ROLL CALL VOTE

TO: Forest Preserve District Commission

MOVER: Michael Kenyon

SECONDER: Dale Berman

AYE: Dale Berman, Mavis Bates, Michael Kenyon, Anita Lewis, Myrna Molina, Jarett Sanchez, Cheryl Strathmann, Vern Tepe

C. Resolution Approving a Change Order to the 5-year Muirhead Springs Monitoring and Reporting Contract

Chief of Planning and Land Management Rooks-Lopez presented the monitoring and reporting contract within the first resolution included the change order and expenses.

DISCUSSION: None.

RESULT: MOVED FORWARD BY ROLL CALL VOTE

TO: Forest Preserve District Commission

MOVER: Jarett Sanchez

SECONDER: Michael Kenyon

AYE: Dale Berman, Mavis Bates, Michael Kenyon, Anita Lewis, Myrna Molina, Jarett Sanchez, Cheryl Strathmann, Vern Tepe

D. An Ordinance Amending Ordinance No. FP-O-23-05-0591, Entitled “Ordinance for the Annual Budget Appropriation Fiscal Year 2023-2024”

CFO Petschke presented the amendment to the annual budget appropriation. The District recently approved an Ordinance authorizing the Annual Budget Appropriation for the fiscal year 2023-2024 on May 9, 2023. Since that time, the District received two bids that will be presented for final Board approval at the Full Commission meeting on July 11, 2023, that were in excess of the budget authorized in fiscal year 2023-2024. These bids were for construction and the planting and 5-year monitoring of the Muirhead Springs Wetland Mitigation Bank. An amendment of the Annual Budget Appropriation Ordinance is necessary because the bids awaiting Board approval are greater than the budget currently authorized for fiscal year 2023-2024. In order to comply with state statute and Governmental Audit Standards Board (GASB) standards, it is necessary to amend the budget for the Wetland Mitigation Fund. It is also necessary to approve a transfer from the General Fund, to ensure monies are available for the additional expenses needed for projects in the Wetland Mitigation Fund in fiscal year 2023-2024.

Finance staff worked with the District’s corporate counsel and the District’s audit firm, to review the Amendment to the Annual Budget Appropriation Ordinance for Fiscal Year 2023-2024. The amendment as presented will ensure compliance with state statute, compliance with GASB standards and compliance with the District’s Fund Balance policy. It will also allow the District to remain eligible for the Government Finance Officers Association’s Certificate of Achievement for Excellence in Financial Reporting. The amendment to the Annual Budget Appropriation Ordinance will authorize:

1. A transfer of funds from the General Fund to the Wetland Mitigation Fund in the amount of \$1,600,000.00
2. An increase to the budget in the Mitigation Bank Fund from \$4,027,213.00 to \$6,638,712.80. (An increase of \$2,611,499.80)

DISCUSSION: None.

RESULT: **MOVED FORWARD BY ROLL CALL VOTE**
TO: Forest Preserve District Commission
MOVER: Jarett Sanchez
SECONDER: Michael Kenyon
AYE: Dale Berman, Mavis Bates, Michael Kenyon, Anita Lewis, Myrna Molina, Jarett Sanchez, Cheryl Strathmann, Vern Tepe

E. Ordinance Approving Amendments to the General Use Ordinance Chapters 2-6; Destruction or Misuse of Property and Structures; Regulation of Sports and Games; Regulation of Motorized Vehicles, Traffic and Parking; Regulation of Personal Conduct and Behavior; Enforcement

Exec. Dir. Haberthur presented the amendments in the General Use Ordinance. In the continuing effort by the Public Safety Department to provide a safe and peaceful experience for visitors to the Districts preserves, certain quality of life issues, ordinance enforcement, and fine collection process' were addressed. Our current Use Ordinance states that the District has the full fine authority for any violation of the Ordinance from a \$75 minimum to a \$500 maximum, and that those amounts may be amended from time to time. As such, the District is seeking to increase the following violation fines from \$75 to \$250 for Illegal Dumping; Off-Roading, \$250; Handicapped / Disabled Parking, \$350, and Disorderly Conduct, \$500. In addition to certain fine increases, the District would be seeking to amend the Fines and Penalties ordinance to include a failure to pay collection process by entering into agreements with the State of Illinois Comptrollers Local Debt Recovery Program (LDRP), and Municipal Collections of America, Inc. The updates to the ordinance is as follows:

- Use Ordinance Chapter 2 – Protection of Property, Structures, and Natural Resources, Section 1 – Destruction or Misuse of Property and Structures
- Use Ordinance Chapter 3 – Regulation of Sports and Games, Section 3 – Engine Powered Models, Toys, and Drones
- Use Ordinance Chapter 4 – Regulation of Motorized Vehicles, Traffic and Parking - Section 4(b) and Section 6(d)
- Use Ordinance Chapter 5 – Regulation of Personal Conduct and Behavior, Section 12 – Disorderly Conduct
- Use Ordinance Chapter 6 – Enforcement, Section 3 – Fines and Penalties

***DISCUSSION:** Commissioner Strathmann asked how the public would be informed of the increases in fines and the options to pay. Chief Burger responded that the information would be posted within 10 days on the District's website and a notice would be posted in Forest Preserve kiosks. Citations will be updated as well.*

RESULT: **MOVED FORWARD BY ROLL CALL VOTE**
TO: Forest Preserve District Commission
MOVER: Michael Kenyon
SECONDER: Cheryl Strathmann
AYE: Dale Berman, Mavis Bates, Michael Kenyon, Anita Lewis, Myrna Molina, Jarett Sanchez, Cheryl Strathmann, Vern Tepe

F. Resolution Approving an Agreement with the Illinois Comptrollers Local Debt Recovery Program (LDRP) and the Municipal Collections Service Agreement (MCOA)

Exec. Dir. Haberthur presented the collections agreement with the state, noting the collections service is an effort to improve compliance in violation payments.

DISCUSSION: None.

RESULT: **MOVED FORWARD BY ROLL CALL VOTE**
TO: Forest Preserve District Commission
MOVER: Jarett Sanchez
SECONDER: Michael Kenyon
AYE: Dale Berman, Mavis Bates, Michael Kenyon, Anita Lewis, Myrna Molina, Jarett Sanchez, Cheryl Strathmann, Vern Tepe

G. Resolution Approving the District to Utilize the Illinois State’s Treasurer’s Office Electronic Payments Services Program (E-Pay)

Exec. Dir. Haberthur presented the implementation of online payments provided by the Illinois State’s Treasurer’s office.

DISCUSSION: None.

RESULT: **MOVED FORWARD BY ROLL CALL VOTE**
TO: Forest Preserve District Commission
MOVER: Jarett Sanchez
SECONDER: Michael Kenyon
AYE: Dale Berman, Mavis Bates, Michael Kenyon, Anita Lewis, Myrna Molina, Jarett Sanchez, Cheryl Strathmann, Vern Tepe

VI. Land Acquisition

A. Resolution Authorizing Acceptance of 1.4 Acres of Donated Land Adjacent to Voyageurs Landing Forest Preserve

Chief of Planning and Land Mgmt. presented the 1.4 acres of donated land. The donation includes an easement for stormwater construction. This would alleviate the overflow of stormwater that is currently effecting the ponds.

DISCUSSION: None.

RESULT: **MOVED FORWARD BY ROLL CALL VOTE**
TO: Forest Preserve District Commission
MOVER: Jarett Sanchez
SECONDER: Cheryl Strathmann
AYE: Dale Berman, Mavis Bates, Michael Kenyon, Anita Lewis, Myrna Molina, Jarett Sanchez, Cheryl Strathmann, Vern Tepe

VII. Planning & Utilization

A. Resolution Approving a Bid to Purchase Three, Sixty Inch Zero Turn Mowers for the North Operations Department

Dir. of Ops. Pentecost presented the purchase of zero turn mowers for the North Operations Division. Based on the District’s replacement schedule, (3) 60” zero turn mower’s for North Operations were approved in the FY 2023-24 budget. The mowers have exceeded our threshold of 1,200 hours of maximum efficient life expectancy by 20-40%. Once replaced we will declare the old mowers surplus and auction them off to maximize any resale value. We have had success with Toro 60” mowers and request replacing with the same manufacturer. The new mowers will be procured through the joint-purchasing cooperative Sourcewell, from Ralph Helm Inc., Elgin, Illinois for \$49,874.34. The contract from Sourcewell provides a 27% reduction to the MSRP for the mowers. Any accessories are not covered with the reduction. As the attached quotation reflects, this provides the District with a savings of \$17,442.54 below MSRP.

DISCUSSION: None.

RESULT: **MOVED FORWARD BY ROLL CALL VOTE**

TO: Forest Preserve District Commission
MOVER: Mavis Bates
SECONDER: Jarett Sanchez
AYE: Dale Berman, Mavis Bates, Michael Kenyon, Anita Lewis, Myrna Molina, Jarett Sanchez, Cherryl Strathmann, Vern Tepe

B. Resolution Authorizing a Contract for Professional Services to Develop Architectural and Engineering Concept Plans for the Settler's Hill Golf Course Clubhouse with Wight & Company

Chief of Planning and Land Mgmt. Rooks-Lopez presented the contract for the Settler's Hill clubhouse concept plans, noting that last month staff applied for a PARC grant to fund the project. Phase 1 of the Settler's Hill Golf Course renovation, which included improved irrigation, driving range and new layouts for all 18 holes, was completed in 2022. Phase 2 includes the construction of a new clubhouse, parking and cart storage facility located near the new driving range in the northeast section of the course. The new clubhouse will be located at the return point of returning 9's (holes 1, 9, 10 & 18) allowing golfers easy access to snacks and restroom facilities at the halfway point and end of their game. The District retained Wight & Co. in 2020/21 for preliminary architectural and site planning services for the Settler's Hill Clubhouse.

DISCUSSION: *Rooks- Lopez noted that this contract is the next step in the process for designing the future clubhouse, last month the Commission approved the application to submit for a grant. This resolution starts the preliminary design and engineering. No discussion.*

RESULT: **MOVED FORWARD BY ROLL CALL VOTE**
MOVER: Michael Kenyon
SECONDER: Jarett Sanchez
AYE: Dale Berman, Mavis Bates, Michael Kenyon, Anita Lewis, Myrna Molina, Jarett Sanchez, Cherryl Strathmann, Vern Tepe
PRESENT: Mavis Bates

VIII. New or Unfinished Business

None.

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

None.

IX. Communications

None.

X. President's Comments

President Kiouss promoted the monthly Senior Stroll; this month will be held at Burlington Forest Preserve. Exec. Dir. Haberthur invited the Commission to attend a Memorial that will be held on Sunday, July 16 for our Forest Preserve District Senior Ranger Collin Verbick.

XI. Financial Reports

Reports A-C were moved together

- A. Revenue & Expense Report through May 2023
- B. Cash & Investment Report: May 2023
- C. Bond & Investment Report: May 2023

RESULT: **APPROVED BY ROLL CALL VOTE**
MOVER: Cherryl Strathmann
SECONDER: Dale Berman
AYE: Dale Berman, Mavis Bates, Michael Kenyon, Anita Lewis, Myrna Molina,
Jarett Sanchez, Cherryl Strathmann, Vern Tepe

XII. Adjournment

The meeting adjourned at 9:22 AM.

RESULT: **APPROVED BY VOICE VOTE**
MOVER: Michael Kenyon
SECONDER: Jarett Sanchez
AYE: Dale Berman, Mavis Bates, Michael Kenyon, Anita Lewis, Myrna Molina,
Jarett Sanchez, Cherryl Strathmann, Vern Tepe

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

Respectfully Submitted,

Gabriella Figliozzi

Gabriella Figliozzi
Recording Secretary