



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, December 7, 2023

8:30 AM

3rd Floor Board Room

I. Call to Order

The Forest Preserve District Executive Committee meeting was held Thursday, December 7, 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.

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| 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 |
| REMOTE | Commissioner Jarett Sanchez |
| ABSENT | Commissioner Vern Tepe |

Also Present: Commissioners Allan (Remote), Roth; Exec. Dir. Haberthur; Chief of Plan. & Land Mgmt. Rooks-Lopez; Dir. of NRM Chess; CFO Petschke & staff Carrano, Marano; Ops. Dir. Pentecost; Dir. of Comm. Affairs Metanchuk; HR staff Misner; Chief of Police & Dir. of Public Safety Burger; Exec. Assist. Figliozzi & staff Rafferty and Attorney Hodge.

II. Approval of Minutes from November 2, 2023

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

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

None.

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

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| RESULT: | MOVED FORWARD BY ROLL CALL VOTE |
| TO: | Forest Preserve District Commission |
| MOVER: | Michael Kenyon |
| SECONDER: | Anita Lewis |
| AYE: | Myrna Molina, Dale Berman, Anita Lewis, Mavis Bates, Michael |

ABSENT: Kenyon, Cherryl Strathmann, and Jarett Sanchez
Vern Tepe

V. Finance and Administration

TMP-23-1511 An Ordinance Approving an Amendment to FP-O-22-05-0582 Ordinance for the Annual Budget Appropriation Fiscal Year 2022-2023

CFO Petschke presented the amendment of the ordinance, approving the amendment today would allow payment before the end of the year to avoid interest. The District approved an Ordinance authorizing the Annual Budget Appropriation for the fiscal year 2022-2023 on May 10, 2022. Since that time, the District has been in communication with the IMRF to confirm the exact amount of the employer portion of the ERI offered to select employees from January 2022 - January 2023. IMRF representatives recently confirmed that the final employer amount due is \$2,071,022.11. If this amount is not paid by January 1, 2024, it would start to accrue interest at a rate of 7.25% of the negative ERI reserve balance. In addition to the interest accrual, the employer annual contribution rate from IMRF would also be increased for calendar year 2024 by 2.61% in order to reduce the negative IMRF reserve. This additional annual contribution percentage will be revised as soon as the negative ERI reserve balance is paid. An amendment of the Annual Budget Appropriation Ordinance is necessary because the employer portion of the ERI and due date was not disclosed by IMRF until late October 2023. This information was not known when the Annual Budget Appropriation was approved for fiscal year 2022-2023.

In order to remain compliant with State Statute and Governmental Audit Standards Board (GASB) standards it is necessary to amend the budget for the General Fund to authorize a transfer of funds to the Illinois Municipal Retirement Fund. In addition, it is necessary to increase the employer expense account for the ERI payment. 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 22-23. 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.

DISCUSSION: None.

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

TMP-23-1528 Resolution Approving the Purchase of One (1) John Deere 5100EP Tractor for the South Operations Division

Dir. of Ops. Pentecost presented the purchase of a tractor for the South Operations Division. Based on the District's replacement schedule, one New Holland 545D tractor for South Operations was approved in the 2023-24 budget. The tractor is a 2003, has high hours and is on track to be replaced at the 20-year life expectancy. Once replaced the District will sell the old tractor at auction to recover resale value. The District utilized Sourcewell Joint Purchasing Program versus independently competitively bidding the tractor. Sourcewell is a national purchasing cooperative program that completes the competitive bid process on behalf of governmental bodies. The contract from Sourcewell has an authorized local dealer and provides a 19% reduction to the MSRP for the tractor and additional desired options. Funds

totaling \$85,000 were budgeted in the South Operations Machinery & Equipment account for the purchase of this tractor in the 2023-24 fiscal year. Sufficient funds of \$93,505.88 are available within the account to cover the \$72,219.56 to purchase the tractor.

DISCUSSION: *Commissioner Kenyon commented that tractors are getting costly.*

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

TMP-23-1309 Presentation and Approval of the Closed Session Minutes
Exec. Dir. Haberthur presented the closed session minutes of the Finance and Administration Committee for release per Open Meetings Act bi-annual review requirements. He noted the minutes were reviewed and approved by the District's legal counsel and President. The Finance and Administration Committee of the Forest Preserve District of Kane County, Kane County, Illinois has reviewed the minutes of the Closed Sessions pursuant to Illinois Compiled Statute 5ILCS 120/2.03 and has made a determination as to whether the need for confidentiality still exists as to all or part of those minutes which have not been made fully public. The Committee has determined that the need for confidentiality still exists as to the Closed Session minutes of: 01/28/2020, 02/25/2020, 02/23/2021 05/25/2021, 07/27/2021, 09/28/2021, 01/25/2022, and 05/24/2022, 09/27/2022, 10/25/2022, 01/24/2023, 02/21/2023, 04/25/2023 and 05/23/23. The Committee has determined that there is no longer a need for partial or full confidentiality as to the Closed Session minutes of 06/22/2021, 09/27/2022, and 11/15/2022.

DISCUSSION: *None.*

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

VI. Planning & Utilization

TMP-23-1585 Resolution Authorizing an Intergovernmental Agreement Between the Forest Preserve District of Kane County and the County of Kane for Volunteer Stream Corridor Restoration Services

Chief of Planning and Land Mgmt. Rooks-Lopez presented the IGA with Kane County for volunteer restoration services. In the spring 2023, the department of Environmental and Water Resources contacted the District concerning potential improvements at Geneva Creek in the Gunnar Anderson Forest Preserve. The goal of the project is to improve approximately 1,400 LF of Geneva Creek. Currently, Geneva Creek experiences severe erosion during moderate to high storm events. The

erosion compromises the stability of the creek, the future of the Geneva Grotto and contributes to sediment pollution into the Fox River. The County and the Forest Preserve District are owners of Geneva Creek south of Route 31. Construction improvements of Geneva Creek is anticipated to begin in summer 2024. The long-term success of the project will be increased if a community volunteer program could be utilized on both properties to remove nuisance and

invasive vegetation along the stream corridor before the stabilization project begins and continue after the project is complete. The District already has an established Volunteer Program for Natural Areas Management to organize, train and oversees volunteers interested in performing management activities such as nuisance and invasive vegetation removal. This agreement would allow District Volunteers to assist in working on both County and District property along Geneva Creek.

DISCUSSION: *Commissioner Bates shared her appreciation to all the volunteers willing to help with the project.*

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

TMP-23-1525 Resolution Authorizing a Contract for Professional Engineering Services to Develop a Long-Term Planning Study at Fox River Bluff Bridge with Alfred Benesch & Company

Chief of Planning and Land Mgmt. Rooks-Lopez provided a Power Point presentation including drone footage of the bridge. In 2012 the District was gifted the Fox River Bluff Bridge at Red Gate Road from the City of St. Charles. Since that time, the wooden decking of the bridge has experienced an accelerated rate of decline. Staff continues to make surface repairs as necessary; however, the repairs have become burdensome. At only 11 years old, the bridge should not be experiencing these issues and initial inspections indicate the problem may with the timber treatment used at installation. Moving forward an overall assessment of the bridge is required to identify the extent of the damage and to offer solutions for next steps.

Alfred Benesch & Company drafted the District's 2017 Bridge Assessment Report and has maintained an on-call inspection service contract with the District since that time. Through those two past services, they are intimately familiar with the issue affecting the Fox River Bluff Bridge. This proposal is the next step to determine the overall extent of damage, and planning repairs. A scope of work was developed and a total fee for service was established at \$35,000. Additionally, \$5,000.00 shall be set aside as contingency to cover any unanticipated additional costs, that may arise during design and construction, for a total possible cost of \$40,000.

DISCUSSION: *Commissioner Strathmann asked about potential liability to the original construction. Dir. Rooks-Lopez responded that the warranty has since expired. In addition, the District does not hold any original documentation since it was contracted through St. Charles at the time. Commissioner Kenyon noted there was rust on the top railing portion as well.*

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

TMP-23-1526 Resolution Approving a Contract with Hey and Associates, Inc. for Professional Services to Develop Engineering Plans for the Mill Creek Greenway Forest Preserve

Chief of Planning and Land Mgmt. Rooks-Lopez presented the contract for engineering plans at Mill Creek Greenway. The District was awarded an Open Space Land Acquisition and Development Grant (OSLAD) for improvements to the Mill Creek Greenway Forest Preserve. This project will include a new shelter, parking lot, restroom, archery range, walking trails and restore almost 60 acres of prairie. The District utilized a request for qualifications (RFQ) process to select a firm for professional services. Five firms responded and Hey and Associates, Inc. of Volo, Illinois was selected for this project. A scope of work was developed and a total fee for services was established at \$67,000. Additionally, \$11,100 shall be set aside as contingency to cover any unanticipated additional costs, that may arise during design and construction, for a total possible cost of \$78,700.

DISCUSSION: *Commissioner Bates asked about the barn near the project. Dir. Rooks-Lopez referenced the map included in the agenda packet noting the area of the grant award and the proximity to the barn. ED Habberthur commented that the area surrounding the barn would need to be assessed, currently there is broken concrete and glass at the site, a potential hazard and attractive nuisance.*

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

VII. New or Unfinished Business

TMP-23-1648 Resolution Ratifying the Approval of an Emergency Expense for Remediation of Underground Storage Tank at Stony Creek Forest Preserve

Dir. of Ops. Pentecost presented the emergency expense for the remediation of the underground storage tank at the newly acquired land at Stony Creek Forest Preserve. Prior to purchasing the property, the District completed a Phase 1 environmental assessment, which revealed the presence of an underground storage tank. (UST). In anticipation of costs associated with tank removal, the District required a \$5,000 escrow to be set aside at closing as an owner contribution. The escrow amount was based on the recent UST removal at Schweitzer Forest Preserve in 2022.

Unfortunately, once the removal process began the leakage was evident. A strong fuel smell was immediately noticed, and soil sampling failed in multiple locations. Leaking underground storage tanks (LUST) require the notification and oversight of both the State Fire Marshall and the Illinois Environmental Protection Agency (IEPA), and starts a 20-day clock to determine clean up objectives under IEPA's Tiered Approach to Corrective Action Objectives (TACO). The emergency nature and tight deadline does not allow the period to conduct a formal bid. Removal of the contaminated material is the typical response to a small residential fuel spill and removes future restrictions on the property. RW Collins and True North were on property and working on this remediation for two days. Excavation was completed to limits of the equipment at 14 feet of depth and to the edge of the red barn. Samples still contained detectable levels of fuel; however, no practical further efforts could be taken to remove all contamination from the site.

Excavation efforts were concluded and an engineered barrier was installed to restrict further exposure. The total excavation, disposal and installation of the engineered barrier work performed by RW Collins totaled \$38,433.41. This expense requires Commission approval and ratification as soon as practical pursuant to the Districts Purchasing Policy, Emergency Purchase section 4.7.2.

DISCUSSION: ED Haberthur explained that while the amount held in escrow was insufficient to cover the remediation, this was not a surprise. The low escrow was a condition of sale. Even with this expense, the District came out ahead monetarily by locking in new fair market value for the entire property. ED Haberthur noted that the District is in compliance with IEPA requirements. ED Haberthur further explained that water in the well by the house would be tested prior to including it in the housing program. Commissioner Bates asked if there were any potential grants for remediation. ED Haberthur responded that he was not aware of any environmental cleanup type grants specific to this project. Commissioner Roth noted that the District would need to remediate further in the long term. ED Haberthur responded that the District could get a cost estimate for further remediation as a future project. There was further discussion regarding future negotiations and underground storage. President Kious responded that it makes it difficult to negotiate price with unknown stability of the tanks.

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

VIII. Closed Session to Discuss Land Acquisition, License Agreements, Potential Litigation and Personnel
None.

IX. Communications
Comm. Affairs Dir. Metanchuk provided a brief update noting that staff conducted a photo contest on social media. The contest was successful and a winter photo contest is in the works. The interpretive signs at LeRoy Oakes are being installed this week, the final piece of the grant project.

X. President's Comments
President Kious promoted the Senior Stroll Holiday potluck held at the Barbara Belding Lodge in Brewster Creek Forest Preserve at 10 AM. Commissioner Lewis commented that Sergeant Hayes was invited to attend an event at East Aurora High School. He gave a presentation of the Forest Preserve District Police. The presentation brought awareness to the students; they were engaged and enjoyed the presentation. Commissioner Lewis thanked Sgt. Hayes for his efforts. ED Haberthur noted that Sgt. Hayes came from Cook County Forest Preserve Police, and thanked him for all his efforts thus far here at Kane County.

XI. Financial Reports
Reports A-C were moved together
A. Bond Investment Analysis Report through November 2023
B. Cash & Investment Report through November 2023
C. Income Statement through November 2023

XII. Adjournment

The meeting adjourned at 9:10 AM

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

Christopher Kious, President
Forest Preserve District Executive Committee
Forest Preserve District of Kane County

Respectfully Submitted,

Gabriella Figliozzi

Gabriella Figliozzi
Recording Secretary