



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 (TBD), Secretary Myrna Molina, Dale Berman, Michael Kenyon, Jarett Sanchez

**Thursday, January 5, 2023**

**8:30 AM**

**3rd Floor Board Room**

## **I. Call to Order**

The Forest Preserve District Executive Committee meeting was held Thursday, January 5, 2023 at 8:30 AM at the Administration Offices located at 1996 S. Kirk Road, Suite 320, Geneva, IL 60134. President Chris Kious opened the meeting at 8:30 AM.

### **Members Present:**

<u>Attendee Name:</u>	<u>Status:</u>
President Chris Kious	Present
Commissioner Dale Berman	Present
Commissioner Michael Kenyon	Present
Commissioner Mavis Bates	Present
Commissioner Myrna Molina	Present (Remote)
Commissioner Jarett Sanchez	Present (Remote)

### **Others Present:**

Commissioners: Davoust (Remote), Juby, Lewis (Remote), Linder, Williams (Remote), Lenert, Roth, Strathmann, Tepe; Exec. Dir. Haberthur; CFO Petschke; Chief of Plan. & Land Mgmt. Rooks-Lopez & staff Rafferty; Dir. of NRM Chess; Dir. of Comm. Affairs Metanchuk & staff Kovach; Safety Coord. Misner; Chief of Police & Dir. of Public Safety Burger; Exec. Assist. Figliozzi; Attorney Hodge

## **II. Approval of Minutes from December 8, 2022**

<b>RESULT:</b>	<b>APPROVED BY ROLL CALL VOTE</b>
<b>MOVER:</b>	Dale Berman
<b>SECONDER:</b>	Michael Kenyon
<b>AYE:</b>	Dale Berman, Myrna Molina, Mavis Bates, Michael Kenyon and Jarett Sanchez

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

None.

## **IV. Presentation and Approval of Bills and Commissioners' Per Diem from December 2022**

**RESULT:** APPROVED BY ROLL CALL VOTE  
**MOVER:** Michael Kenyon  
**SECONDER:** Mavis Bates  
**AYE:** Dale Berman, Myrna Molina, Mavis Bates, Michael Kenyon, and Jarett Sanchez

**V. Land Acquisition**

**A. Resolution approving the Purchase of a Parcel Approximately 52.15 Acre Adjacent to Stony Creek Forest Preserve in Plato Township**

Exec. Dir. Haberthur presented the purchase of approximately 52.15 acres. He provided background information of the parcel and the dairy museum that was established by the sellers.

***DISCUSSION:** Commissioner Bates asked if the District had the means to run the dairy museum. Exec. Dir. Haberthur responded that the items inside the museum belonged to the sellers and they plan to auction the items. The building will be utilized for the District's use. President Kious commended former Board member Barbara Wojnicki, as she worked closely with the sellers during discussions of acquiring the land. Die. Haberthur noted the residence onsite would be reviewed if it should be removed or utilized for staff housing.*

**RESULT:** APPROVED BY ROLL CALL VOTE  
**TO:** Full Commission January 10, 2023  
**MOVER:** Jarett Sanchez  
**SECONDER:** Michael Kenyon  
**AYE:** Dale Berman, Myrna Molina, Mavis Bates, Michael Kenyon, and Jarett Sanchez

**B. Resolution Approving an Intergovernmental Agreement with the Village of Sugar Grove, Sugar Grove Township and the Sugar Grove Park District for the Blackberry Creek Bridge Project at the Bliss Woods Forest Preserve**

Chief of Planning and Land Management Rooks-Lopez presented the intergovernmental agreement with Sugar Grove. She provided background information regarding the bridge project in Bliss Woods Forest Preserve. In the fall of 2017, the Village of Sugar Grove requested the District partner with the Village, Township and Park District to install a bridge and trail connection across Blackberry Creek to connect Bliss Woods Forest Preserve/Great Western Trail to Park District property.

The goal of the project is to improve travel and provide off-street access for pedestrians and bicyclists throughout the community to/from residential neighborhoods, schools, retail areas, forest preserves and parks and regional trail connections. The request and project details outlining the phases and potential costs were presented to the Commission during the District retreat on December 11, 2017 for consideration in the District's Master Plan. The project was included in the Capital Project initiatives in the 2018 Master Plan Update as approved by the Full Commission on February 13, 2018. In March 2018, the District entered into an IGA for the Phase I engineering for preliminary design and cost estimation for the consideration of continuing with the project as well as the submittal of a joint grant application.

The agreement committed each of the four public bodies to equally share in the expense of the Phase I Engineering totaling \$109,976.00 (\$28,719.00 each). The District's payment was made immediately following the beginning of the 2018/19 Fiscal Year Budget (July 1, 2018). The Village completed the Phase I Engineering and provided the report to the District, whereby all parties supported the project and the submittal of a grant. The final project includes the final engineering and construction of the bridge and trail connection at a total project cost estimate of \$1,000,000.00. The Village has since been awarded an IDOT grant, which will fund 80% (\$800,000.00) of the project, with the four participating agencies equally sharing in the 20%

(\$200,000.00) local share. Each agency is responsible for \$50,000.00. An easement has been established as part of this agreement for the Village's installation of the infrastructure and the ongoing maintenance by the Park District.

**DISCUSSION:** *Commissioner Bates asked for clarification to pin point the location of the bridge. A map included in the agenda packet was referenced. Commissioner Lenert noted a main component in negotiations was the agreement that Sugar Grove would be the responsible party of bridge maintenance for the future. Lenert expressed his gratitude for former Executive Director Monica Meyers for maintaining the agreement negotiations during these years. President Kious stated that the bridge provides more of an asset for Sugar Grove rather than the District.*

**RESULT:**                   **APPROVED BY ROLL CALL VOTE**  
**TO:**                         Full Commission January 10, 2023  
**MOVER:**                   Michael Kenyon  
**SECONDER:**             Dale Berman  
**AYE:**                      Dale Berman, Myrna Molina, Mavis Bates, Michael Kenyon, and     Jarett Sanchez

## **VI. Planning & Utilization**

### **A. Resolution Approving a Bid for Wetland Restoration and Enhancement at Burlington Prairie Forest Preserve**

NRM Dir. Chess presented the bid for the wetland restoration project noting that Burlington Prairie Forest Preserve is one of the biggest forest preserves the District owns with various species. Burlington Prairie Forest Preserve is a 950-acre complex of tallgrass prairie mixed with various wetlands, including a sedge meadow/wet prairie complex comprising an Illinois State Nature Preserve. This large complex of community types currently supports populations of a variety of wildlife including state endangered Blanding's turtle and rare grassland birds like bobolinks. While some of these species are supported by the small remnant wetland present on site, the majority of the biodiversity present is located in the large restored prairies. Almost the entire site was farmed historically and the process of restoration is ongoing. To implement farming, settlers buried drain tiles throughout the preserve. These tile lines drained surface water and small wetlands and are still present today.

The District has partnered with the USFWS Partners for Fish and Wildlife Program to evaluate a drained wetland and come up with a plan to restore the original hydrology. USFWS staff have surveyed the wetland and drawn-up engineering plans to create 8 acres of surface water through the installation of new tile lines in concert with an in line water control structure. The USFWS have also purchased the water control structure to be installed. District staff have begun the restoration with extensive vegetation management including control of reed canary grass and sandbar willow. The remaining work will involve the installation of the water control structure and the replacement of about 700 feet of degraded drain tile line with new 12" non-perforated tile. Additionally, trenching will occur around the wetland to break any small tile lines that are currently feeding the wetland. The District publicly advertised a bid to complete this construction and sent it to 28 vendors with one responding. The bid came from a qualified vendor, Huddleston McBride Land Drainage Co., of Rochelle, Illinois, in the amount of \$32,690. Funds totaling \$35,000 were budgeted in the 2022/23 Fiscal Year for the Burlington Prairie FP Prairie Pothole Creation. Sufficient funds totaling \$35,000 are available in the Natural Resources Account for this expense, totaling \$32,690.

**DISCUSSION:** *None.*

**RESULT:**           **APPROVED BY ROLL CALL VOTE**  
**TO:**                Full Commission January 10, 2023  
**MOVER:**           Michael Kenyon  
**SECONDER:**       Myrna Molina  
**AYE:**             Dale Berman, Myrna Molina, Mavis Bates, Michael Kenyon, and Jarett Sanchez

**B.       Resolution Approving a Contract with V3 Companies, LTD. for Professional Services to Develop Engineering Plans for the Jon Duerr Forest Preserve Improvements**

Chief of Planning and Land Management Rooks-Lopez presented the contract with V3 for professional services for the Jon Duerr Forest Preserve project. She provided background information of the renovation project noting the District was awarded an OSLAD grant in the amount of \$400,000. The RFQ will include contingencies. The District was award an Open Space Land Acquisition and Development (OSLAD) for improvements to the Jon Duerr Forest Preserve. This project will renovate the existing prairie, parking lots, shelters, restrooms and realign a section of the Riverbend regional trail as well as replace the existing boat launch with a new ADA compliant launch that is able to accommodate small-motorized boats.

The District utilized a request for qualifications process to select a firm for professional services. Four firms responded and V3 Companies, LTD., Woodridge, Illinois was selected for this project. A scope of work was developed and a total fee for services was established at \$105,995.00. Additionally, \$10,900.00 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 \$116,895.00. Funds totaling \$1,300,000 were budgeted in FY22/23 for engineering and construction for this project. The construction portion of the project is estimated to cost \$1,180,000.00. The OSLAD grant will reimburse the District a maximum of \$400,000.00 of the construction and engineering costs.

***DISCUSSION:** Commissioner Bates asked what the guidelines were for motor boats. Rooks-Lopez responded that the state controls the water restrictions, Illinois Department of Natural Resources (IDNR). Commissioner Kenyon noted the Forest Preserve is estimated to be 30 years old. The renovations are needed. Rooks-Lopez commented that Jon J Duerr Forest Preserves is one of the most popular.*

**RESULT:**           **APPROVED BY ROLL CALL VOTE**  
**TO:**                Full Commission January 10, 2023  
**MOVER:**           Mavis Bates  
**SECONDER:**       Michael Kenyon  
**AYE:**             Dale Berman, Myrna Molina, Mavis Bates, Michael Kenyon, and Jarett Sanchez

**VII.   New or Unfinished Business**

**A.       Resolution Approving a Settlement with Wadsworth Golf Construction for Costs Associated with the Repairs of Two Groundwater Monitoring Wells as Part of the Settler’s Hill Golf Course Improvement Project**

Exec. Dir. Haberthur presented the settlement with Wadsworth Golf Construction. Two groundwater monitoring wells were damaged during the renovation of the Settler’s Hill Golf Course in 2021. Waste Management (WM) owns and operates these wells. WM repaired the well that was damaged near hole #11 and fully replaced another well on hole #16. Illinois Environmental Protection Agency (IEPA) rules required that the wells be repaired immediately

so there would be no loss of monitoring data tied to the closed landfill's monitoring and maintenance requirements. The total cost for these repairs was \$62,170.87. The District reimbursed WM for this amount in December 2022.

As it is the District's opinion that these wells were damaged by Wadsworth Golf Construction (Wadsworth) during their contracted earth-moving construction operations, the District held back \$62,170.87 from the final payment to Wadsworth to compensate WM for the costs of the well repairs. Wadsworth denies causing the well damage and disagrees with the District's opinion. Wadsworth submitted a request to their insurance company to evaluate the damages. Their insurance company provided a conclusion that the damage could not be proven to be caused by Wadsworth.

District Staff met with Wadsworth representatives in late December 2022 to negotiate a settlement on the final payout of the contracted work at Settler's Hill Golf Course. Per Commission guidance, an estimated 50/50 split was reached in which Wadsworth has submitted payment in the amount of \$30,000, and the District will pay the remaining \$62,170.87 on their contract in full. In addition, the Wadsworth Golf Charity Foundation has delivered the second half of the grant they awarded to this project in the form of a check for \$125,000 to the District.

***DISCUSSION:** Commissioner Berman was in favor of the settlement. Commissioner Davoust commented that the situation was unfortunate; he felt that Wadsworth was at fault.*

**RESULT:**           **APPROVED BY ROLL CALL VOTE**  
**TO:**                Full Commission January 10, 2023  
**MOVER:**           Dale Berman  
**SECONDER:**       Michael Kenyon  
**AYE:**              Dale Berman, Myrna Molina, Mavis Bates, Michael Kenyon, and  
                          Jarett Sanchez

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

The Committee moved into Executive Closed Session at 8:54AM to discuss license agreements and potential litigation.

**RESULT:**           **APPROVED BY ROLL CALL VOTE**  
**MOVER:**           Michael Kenyon  
**SECONDER:**       Dale Berman  
**AYE:**              Dale Berman, Myrna Molina, Mavis Bates, Michael Kenyon, and Jarett  
                          Sanchez

The Committee returned to Open Session at 9:43 AM on a motion by Berman, second by Bates, roll call vote was taken, unanimous vote.

**IX. Communications**

None.

**X. President's Comments**

President Kiouss promoted the Senior Stroll at Barbara Belding Lodge at Brewster Creek Forest Preserve. Commissioner Kenyon congratulated Exec. Dir. Haberthur on his new role and spoke highly of him.

**XI. Financial Reports**

Reports A-C were moved together

- A. Revenue & Expense Report through November 2022
- B. Cash & Investment Report: November 2022
- C. Bond Investment Report: November 2022

**RESULT:**           **APPROVED BY ROLL CALL VOTE**  
**MOVER:**           Dale Berman  
**SECONDER:**       Mavis Bates  
**AYE:**             Dale Berman, Myrna Molina, Mavis Bates, Michael Kenyon, and Jarett Sanchez

**XII. Adjournment**

The meeting adjourned at 9:47 AM.

**RESULT:**           **APPROVED BY VOICE VOTE [UNANIMOUS]**  
**MOVER:**           Michael Kenyon  
**SECONDER:**       Mavis Bates  
**AYE:**             Dale Berman, Myrna Molina, Mavis Bates, Michael Kenyon, and Jarett Sanchez

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

Respectfully Submitted,

*Gabriella Figliozzi*

Gabriella Figliozzi  
Recording Secretary