



Government Center  
719 S. Batavia Ave., Bldg. A  
Geneva, IL 60134

## Forest Preserve District Commission Meeting Minutes

Tuesday, December 12, 2023

9:00 AM

County Board Room

### I. Call to Order

*The Forest Preserve District Full Commission meeting was held Tuesday, December 12, 2023 at the Kane County Government Center located at 719 S. Batavia Ave., Geneva, IL 60134. President Kious called the meeting to order at 9:00 AM.*

### II. Pledge of Allegiance

*President Kious asked Finance Manager Melissa Carrano to lead the pledge.*

### III. Roll Call

#### PRESENT

Commissioner Deborah Allan (Arrived in person at 9:23AM)

Commissioner Mavis Bates

Commissioner Dale Berman

Commissioner Mark Davoust

Commissioner Ron Ford

Commissioner Michelle Gumz

Commissioner Mo Iqbal

Commissioner Michael Kenyon

President Forest Preserve District Chris Kious

Commissioner Bill Lenert

Commissioner Anita Lewis

Commissioner Michael Linder

Secretary Forest Preserve District Myrna Molina

Commissioner Bill Roth

Commissioner Jarett Sanchez

Commissioner Cheryl Strathmann

Commissioner Bill Tarver (Arrived in person at 9:29 AM)

Commissioner Vern Tepe

Commissioner Rick Williams

Commissioner David Young

#### REMOTE

Commissioner Gary Daugherty

Commissioner Leslie Juby

Commissioner Monica Silva

#### ABSENT

Commissioner Clifford Surges

**Others Present:** Exec. Dir. Haberthur, CFO Petschke & staff Carrano, Marano, Wolff; Chief of Planning & Land Mgmt. Rooks-Lopez; NRM Dir. Chess; HR Dir. Clough; Dir. of Comm. Affairs Metanchuk & staff Kovach; Dir. of Ops. Pentecost; Chief of Police Burger & Sgt. Hayes; Attorney Hodge; Exec. Assist. Figliozzi, KCIT Peters and members of the public.

**IV. Public Comment (Each Speaker is limited to 3 minutes)**

*None.*

**V. Presentation and Approval of the Minutes from November 14, 2023 Full**

**Commission and Truth in Taxation Hearing, November 14, 2023**

*The Truth in Taxation hearing minutes were deferred to January 9, 2024; the Minutes from November 14, 2023 were approved by unanimous consent.*

**RESULT: APPROVED BY UNANIMOUS CONSENT**

**MOVER:** Mavis Bates

**AYE:** Mavis Bates, Dale Berman, Gary Daugherty, Mark Davoust, Ron Ford, Michelle Gumz, Mo Iqbal, Leslie Juby, Michael Kenyon, Chris Kious, Bill Lenert, Anita Lewis, Michael Linder, Myrna Molina, Bill Roth, Jarett Sanchez, Monica Silva, Cherryl Strathmann, Vern Tepe, Rick Williams, and David Young

**ABSENT:** Deborah Allan, Clifford Surges, Bill Tarver

**VI. Presentation and Approval of the Bills and Commissioners' Per Diem from November 2023**

**RESULT: ADOPTED BY VOICE VOTE**

**MOVER:** Dale Berman

**SECONDER:** Ron Ford

**AYE:** Mavis Bates, Dale Berman, Gary Daugherty, Mark Davoust, Ron Ford, Michelle Gumz, Mo Iqbal, Leslie Juby, Michael Kenyon, Chris Kious, Bill Lenert, Anita Lewis, Michael Linder, Myrna Molina, Bill Roth, Jarett Sanchez, Monica Silva, Cherryl Strathmann, Vern Tepe, Rick Williams, and David Young

**ABSENT:** Deborah Allan, Clifford Surges, Bill Tarver

**VII. Presentations**

**A. Presentation and Approval of the Fiscal Year 2022-2023 Annual Comprehensive Financial Report (ACFR)**

*Jamie Wilkey of Lauterbach and Amen presented the ACFR remotely. Wilkey noted that the District presents a clean audit year after year. The District was awarded the Certificate of Achievement for Excellence in Financial Reporting for last year's ACFR given by GFOA. This is the highest level of achievement for local government. The audit team anticipates having the same results this year. Current state statute requirements have been met; the independent auditors report stated an unmodified opinion, meaning all materials presented are correct with no findings of any weaknesses, cleanest audit overall. The Management's Discussion and Analysis serves as the executive summary of the report; this includes comparables over the year. Total value or equity of the District increased approximately 4.7%, this relates to revenues and a strong interest income, charges for services, grant activity, etc. Wilkey highlighted pages 109, noting the statistical section. This section provides historical information including a 10-year trend, property tax history, operating indicators, etc. The two comments in the financial letter are educational, not findings. This is related to the new mandates, GASB100 and GASB101, new standards that will be implemented.*

**DISCUSSION:** *Commissioner Davoust commented on the seamless transition within the finance department over the year, commended the team for all their efforts and hard work.*

**RESULT: ADOPTED BY VOICE VOTE**

**MOVER:** Dale Berman  
**SECONDER:** Ron Ford  
**AYE:** Mavis Bates, Dale Berman, Gary Daugherty, Mark Davoust, Ron Ford, Michelle Gumz, Mo Iqbal, Leslie Juby, Michael Kenyon, Chris Kious, Bill Lenert, Anita Lewis, Michael Linder, Myrna Molina, Bill Roth, Jarett Sanchez, Monica Silva, Cheryl Strathmann, Vern Tepe, Rick Williams, and David Young  
**ABSENT:** Deborah Allan, Clifford Surges, Bill Tarver

**VIII. Finance and Administration**

**FP-O-23-12-0602** 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 to the ordinance.* 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.

**DISCUSSION:** None.

**RESULT:** **ADOPTED BY VOICE VOTE**  
**MOVER:** Bill Roth  
**SECONDER:** Dale Berman  
**AYE:** Mavis Bates, Dale Berman, Gary Daugherty, Mark Davoust, Ron Ford, Michelle Gumz, Mo Iqbal, Leslie Juby, Michael Kenyon, Chris Kious, Bill Lenert, Anita Lewis, Michael Linder, Myrna Molina, Bill Roth, Jarett Sanchez, Monica Silva, Cheryl Strathmann, Vern Tepe, Rick Williams, and David Young  
**ABSENT:** Deborah Allan, Clifford Surges, Bill Tarver

**FP-R-23-12-3069** 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:** None.

**RESULT:** **ADOPTED BY VOICE VOTE**

**MOVER:** Michael Kenyon

**SECONDER:** Michelle Gumz

**AYE:** Mavis Bates, Dale Berman, Gary Daugherty, Mark Davoust, Ron Ford, Michelle Gumz, Mo Iqbal, Leslie Juby, Michael Kenyon, Chris Kious, Bill Lenert, Anita Lewis, Michael Linder, Myrna Molina, Bill Roth, Jarett Sanchez, Monica Silva, Cherryl Strathmann, Vern Tepe, Rick Williams, and David Young

**ABSENT:** Deborah Allan, Clifford Surges, Bill Tarver

## IX. Planning & Utilization

### **FP-R-23-12-3070** 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:** None.

**RESULT:** **ADOPTED BY VOICE VOTE**

**MOVER:** Rick Williams

**SECONDER:** Mavis Bates

**AYE:** Mavis Bates, Dale Berman, Gary Daugherty, Mark Davoust, Ron Ford, Michelle Gumz, Mo Iqbal, Leslie Juby, Michael Kenyon, Chris Kious, Bill Lenert, Anita Lewis, Michael Linder, Myrna Molina, Bill Roth, Jarett Sanchez, Monica Silva, Cherryl Strathmann, Vern Tepe, Rick Williams, and David Young

**ABSENT:** Deborah Allan, Clifford Surges, Bill Tarver

### **FP-R-23-12-3071** 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 presented the contract for engineering services for the Fox River Bluff 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 the bike path across the river. Dir. Rooks-Lopez clarified that the boards being replaced are the actual boardwalk along the edges, not across the water. (Commissioner Allan arrived in person at 9:23 AM)*

**RESULT: ADOPTED BY VOICE VOTE**

**MOVER:** Michael Linder

**SECONDER:** Dale Berman

**AYE:** Deborah Allan, Mavis Bates, Dale Berman, Gary Daugherty, Mark Davoust, Ron Ford, Michelle Gumz, Mo Iqbal, Leslie Juby, Michael Kenyon, Chris Kious, Bill Lenert, Anita Lewis, Michael Linder, Myrna Molina, Bill Roth, Jarett Sanchez, Monica Silva, Cherryl Strathmann, Vern Tepe, Rick Williams, and David Young

**ABSENT:** Clifford Surges, Bill Tarver

**FP-R-23-12-3072** 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 award 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 grant reimbursement. Dir. Rooks-Lopez responded that the funds are reserved until payment is received.*

**RESULT: ADOPTED BY VOICE VOTE**

**MOVER:** Rick Williams

**SECONDER:** Michelle Gumz

**AYE:** Deborah Allan, Mavis Bates, Dale Berman, Gary Daugherty, Mark Davoust, Ron Ford, Michelle Gumz, Mo Iqbal, Leslie Juby, Michael Kenyon, Chris Kious, Bill Lenert, Anita Lewis, Michael Linder, Myrna Molina, Bill Roth, Jarett Sanchez, Monica Silva, Cherryl Strathmann, Vern Tepe, Rick Williams, and David Young

**ABSENT:** Clifford Surges, Bill Tarver

**X. Executive**

**FP-R-23-12-3073 Resolution Ratifying the Approval of an Emergency Expense for Remediation of Underground Storage Tank at Stony Creek Forest Preserve**

*Exec. Dir. Haberthur presented the emergency expense. He noted that after the land purchase, it was discovered that the underground storage tank was leaking. This environmental remediation had a much higher cost than budgeted in escrow. 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. (Commissioner Tarver arrived in person at 9:29 AM)*

**DISCUSSION:** None.

**RESULT:** **ADOPTED BY VOICE VOTE**

**MOVER:** Mavis Bates

**SECONDER:** Jarett Sanchez

**AYE:** Deborah Allan, Mavis Bates, Dale Berman, Gary Daugherty, Mark Davoust, Ron Ford, Michelle Gumz, Mo Iqbal, Leslie Juby, Michael Kenyon, Chris Kious, Bill Lenert, Anita Lewis, Michael Linder, Myrna Molina, Bill Roth, Jarett Sanchez, Monica Silva, Cheryl Strathmann, Bill Tarver, Vern Tepe, Rick Williams, and David Young

**ABSENT:** Clifford Surges

**XI. New Business**

*ED Haberthur discussed the mandated Paid Leave Act. The District has taken all necessary steps to meet compliance come January 1, 2024. The implementation requirements have not been made fully available by the state as of yet, but will be in the first 90 days of 2024. A resolution will be prepared and presented as soon as possible. ED Haberthur noted that the mandated paid leave act affects full and part time salaries. More information will be provided when available.*

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

*None.*

**XIII. Communications**

*Comm. Affairs Dir. Metanchuk provided a brief update. She promoted a photo contest on social media with winning prizes. Pictures of the newly installed interpretive signs were shared. The signs complete the LeRoy Oakes Forest Preserve RTP grant project.*

**XIV. President's Comments**

*President Kious expressed his appreciation to all the District staff for their hard work and dedication. He reminded the Commissioners that beginning 2024, the Full Commission meeting will start at 8:30 AM.*

**XV. Department Reports**

**RESULT: ACCEPTED AND PLACED ON FILE**

**MOVER:** Deborah Allan

**SECONDER:** Mark Davoust

**AYE:** Deborah Allan, Mavis Bates, Dale Berman, Gary Daugherty, Mark Davoust, Ron Ford, Michelle Gumz, Mo Iqbal, Leslie Juby, Michael Kenyon, Chris Kious, Bill Lenert, Anita Lewis, Michael Linder, Myrna Molina, Bill Roth, Jarett Sanchez, Monica Silva, Cheryl Strathmann, Bill Tarver, Vern Tepe, Rick Williams, and David Young

**ABSENT:** Clifford Surges

**XVI. Adjournment**

*The meeting adjourned at 9:36 AM.*

**RESULT: APPROVED BY VOICE VOTE**

**MOVER:** Michael Kenyon

**SECONDER:** Bill Roth

**AYE:** Deborah Allan, Mavis Bates, Dale Berman, Gary Daugherty, Mark Davoust, Ron Ford, Michelle Gumz, Mo Iqbal, Leslie Juby, Michael Kenyon, Chris Kious, Bill Lenert, Anita Lewis, Michael Linder, Myrna Molina, Bill Roth, Jarett Sanchez, Monica Silva, Cheryl Strathmann, Bill Tarver, Vern Tepe, Rick Williams, and David Young

**ABSENT:** Clifford Surges

Chris Kious, Chairman  
Forest Preserve District Commission  
Forest Preserve District of Kane County

Respectfully Submitted,

*Gabriella Figliozzi*

Gabriella Figliozzi  
Recording Secretary

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Myrna Molina  
Board Secretary