



FOREST PRESERVE DISTRICT OF KANE COUNTY

COMMISSION MINUTES

I. Call to Order

The Forest Preserve District Commission meeting was held Tuesday, August 14, 2018 at 9:00 AM at the Kane County Government Center, 719 S. Batavia Ave., Bldg. A, Geneva, IL 60134. The meeting was opened by President Michael Kenyon at 9:00 AM.

II. Pledge of Allegiance

Lead by Commissioner Susan Starrett

III. Roll Call

Commissioner Deborah Allan	Present
Commissioner Margaret Auger	Present
Commissioner Theresa Barreiro	Present
President Pro Tem Mark Davoust	Present
Commissioner Ron Ford	Present
Commissioner Drew Frasz	Present
Commissioner Rebecca Gillam	Present
Commissioner Barbara Hernandez	Present
Commissioner John Hoscheit	Present
Commissioner Don Ishmael	Late
President Michael Kenyon	Present
Commissioner Kurt Kojzarek	Present
Commissioner Bill Lenert	Present
Secretary Philip Lewis	Present
Commissioner John Martin	Present
Commissioner Myrna Molina	Present
Commissioner Jarett Sanchez	Absent
Commissioner Douglas Scheflow	Absent
Commissioner Monica Silva	Present
Commissioner Thomas Smith	Present
Commissioner Susan Starrett	Present
Commissioner Angela Thomas	Present
Commissioner Penny Wegman	Present
Commissioner Barbara Wojnicki	Present

Others Present:

Monica Meyers, Executive Director
Ken J. Stanish, Chief Financial Officer
Ben Haberthur, Director of Natural Resources
Ken Anderson, Jr., Chief of Planning
Laurie Metanchuk, Director of Community Affairs
John Goreth, Director of Operations
Tracey Smith, Director of Human Resources
Mike Gilloffo, Director of Public Safety
Caitlin Rodeghero, Administrative Specialist
Jerry Hodge, Attorney
Ellen J. Maglio, Recording Secretary

IV. Public Comment (Each Speaker is limited to 3 minutes) None.

V. Presentation and Approval of the Minutes of July 10, 2018

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Penny Wegman, Commissioner
SECONDER:	Susan Starrett, Commissioner
AYES:	Deborah Allan, Margaret Auger, Theresa Barreiro, Mark Davoust, Ron Ford, Drew Frasz, Rebecca Gillam, Barbara Hernandez, John Hoscheit, Michael Kenyon, Kurt R. Kojzarek, Bill Lenert, Philip Lewis, John Martin, Myrna Molina, Monica Silva, Thomas Smith, Susan Starrett, Angela C Thomas, Penny Wegman, Barbara Wojnicki
ABSENT:	Don Ishmael, Jarett Sanchez, Douglas Scheflow

VI. Presentation and Approval of the Bills and Commissioners' Per Diem for June 2018

RESULT:	APPROVED BY ROLL CALL VOTE [UNANIMOUS]
MOVER:	Deborah Allan, Commissioner
SECONDER:	Ron Ford, Commissioner
AYES:	Deborah Allan, Margaret Auger, Theresa Barreiro, Mark Davoust, Ron Ford, Drew Frasz, Rebecca Gillam, Barbara Hernandez, John Hoscheit, Michael Kenyon, Kurt R. Kojzarek, Bill Lenert, Philip Lewis, John Martin, Myrna Molina, Monica Silva, Thomas Smith, Susan Starrett, Angela C Thomas, Penny Wegman, Barbara Wojnicki
ABSENT:	Don Ishmael, Jarett Sanchez, Douglas Scheflow

VII. Bids and Proposals

A. FP-R-18-08-2658 Resolution Authorizing a Contract with RE/MAX Horizon for Real Estate Services

Recently, the District acquired two properties with structures that the Commission approved for possible resale at the time of the acquisitions. The parcels consist of a residential home with detached garage on a .81-acre lot along 5th Avenue in Aurora and a 10-acre farmstead on Jeter Road in Big Rock. The Land Acquisition Committee has approved the specific land area with structures to be subdivided for sale; the land area from the larger

parcels for resale as well as seek proposals for real estate sales services.

Request for Proposals (RFP) for real estate services was advertised and sent to eleven vendors with one responding from RE/MAX Horizon from Elgin, IL. The office is centrally located within the county and has experience throughout the county.

Sales services will include all functions necessary to sell property; including, but not limited to, preparing sales materials, listing of properties, scheduling showings, working with buying agent and attorneys to coordinate contracts and any necessary supplemental documents for closing. The fee for sales services provided by RE/MAX is 4.25%.

Staff is recommending a one-year term for real estate sales services to allow the necessary time to subdivide and advertise the first two initial properties this fall (2018) and the possibility of any additional sales this next spring (2019).

DISCUSSION: *Commissioner Smith protested that he has received complaints from those that were not involved in the process. Executive Director Meyers explained that the process is the same as we use for other projects; it is publicly advertised and posted on the website. Commissioner Allan asked if the percentage would be shared between the seller's and buyer's agents. Executive Director stated that yes there is a split for both.*

RESULT:	ADOPTED BY ROLL CALL VOTE [20 TO 1]
MOVER:	Drew Frasz, Commissioner
SECONDER:	Rebecca Gillam, Commissioner
AYES:	Deborah Allan, Margaret Auger, Theresa Barreiro, Mark Davoust, Ron Ford, Drew Frasz, Rebecca Gillam, Barbara Hernandez, John Hoscheit, Michael Kenyon, Kurt R. Kojzarek, Bill Lenert, Philip Lewis, John Martin, Myrna Molina, Monica Silva, Susan Starrett, Angela C Thomas, Penny Wegman, Barbara Wojnicki
NAYS:	Thomas Smith
ABSENT:	Don Ishmael, Jarett Sanchez, Douglas Scheflow

B. FP-R-18-08-2659 Resolution Accepting a Bid for Purchase and Construction of a New Trades Building at Campton Forest Preserve

As more projects are undertaken by the Trades Division, more space is also needed. Building C, which is currently the workshop for the Trades Staff, is of insufficient size. The current existing building does not allow the Tradesmen to complete projects in a safe and efficient manner. Often, the Trades Staff work on different projects at the same time. Due to space restrictions, project phases are limited, which cause scheduling and completion inefficiencies. A high percentage of the Trades Building C has had to be transformed into storage for construction lumber inventory, memorial brick storage, as well as Planning and Community Affairs departments' interpretive signs, sign bases, and memorial benches. The current building is also used to maintain preserve maintenance inventories, such as electrical and plumbing supplies.

As well as space being an issue, the overall condition of the building is deteriorating. The

new, properly insulated and constructed building will be more energy efficient and allow staff to complete projects in a safe and efficient manner. The bid was sent to twenty-two vendors with three responding. RA Pinno and Sons Construction Corp. from Rosedale, Wisconsin was the lowest qualified bid for the purchase and construction of a 75'x 40' steel building for the Trades Division. The remainder of the budgeted amount will be used for the interior build out of the building which will be completed by the Trades Division staff in-house.

DISCUSSION: None.

RESULT:	ADOPTED BY ROLL CALL VOTE [UNANIMOUS]
MOVER:	Rebecca Gillam, Commissioner
SECONDER:	Drew Frasz, Commissioner
AYES:	Deborah Allan, Margaret Auger, Theresa Barreiro, Mark Davoust, Ron Ford, Drew Frasz, Rebecca Gillam, Barbara Hernandez, John Hoscheit, Michael Kenyon, Kurt R. Kojzarek, Bill Lenert, Philip Lewis, John Martin, Myrna Molina, Monica Silva, Thomas Smith, Susan Starrett, Angela C Thomas, Penny Wegman, Barbara Wojnicki
ABSENT:	Don Ishmael, Jarett Sanchez, Douglas Scheflow

C. FP-R-18-08-2660 Resolution Authorizing the Purchase of Wetland Mitigation Credits for the Raymond Street Tunnel Project

Part of the Raymond Street Tunnel Project disturbs approximately 0.263 acres of wetland and the District is required to offset this loss with a 2 to 1 ratio of wetland credits. These credits are needed in order to receive the permit from the US Army Corps of Engineers.

The District worked with its consultant, WBK Engineering, LLC, to secure these credits from the Gray Willows Wetland Mitigation Bank. The price per acre is \$80,000, so the total cost to the District is \$47,200 for the 0.59 acres. In order to secure these credits and continue the approval process with the Army Corps., a deposit of 10% (\$4,720) was already made to the wetland bank. The District will receive 80% or \$37,760 of the total expense back from the CMAP/ITEP grant.

DISCUSSION: Commissioner Silva stated that she understood that this was not an option, but rather a requirement put forth by the railroad. Executive Director Meyers affirmed her understanding. Commissioner Lewis asked if the District has researched establishing wetlands so that we would no longer have to purchase these credits. Executive Director Meyers explained that we are in the process of establishing our own wetland mitigation bank, we have been working with the US Army Corps of Engineers for about two years and we have preliminary approval from the USACE.

RESULT:	ADOPTED BY ROLL CALL VOTE [UNANIMOUS]
MOVER:	Margaret Auger, Commissioner
SECONDER:	John Martin, Commissioner
AYES:	Deborah Allan, Margaret Auger, Theresa Barreiro, Mark Davoust, Ron Ford, Drew Frasz, Rebecca Gillam, Barbara Hernandez, John Hoscheit, Don Ishmael, Michael Kenyon, Kurt R. Kojzarek, Bill Lenert, Philip Lewis, John Martin, Myrna Molina, Monica Silva, Thomas Smith, Susan Starrett, Angela C Thomas, Penny Wegman, Barbara Wojnicki
ABSENT:	Jarett Sanchez, Douglas Scheflow

VIII. Land Acquisition

A. FP-R-18-08-2661 Resolution Authorizing Acquisition of Lands by Purchase or Eminent Domain of the Roberts Trust Property as an Addition to the Muirhead Springs Forest Preserve

Roberts Trust (Vogel) Property - Approximately 235 acres adjacent to Muirhead Springs FP. Seller also wants to carve out the existing farmstead and keep. A resolution to acquire 160.1 acres of the Roberts Trust property in Plato Township.

DISCUSSION: None.

RESULT:	ADOPTED BY ROLL CALL VOTE [UNANIMOUS]
MOVER:	Thomas Smith, Commissioner
SECONDER:	Barbara Wojnicki, Commissioner
AYES:	Deborah Allan, Margaret Auger, Theresa Barreiro, Mark Davoust, Ron Ford, Drew Frasz, Rebecca Gillam, Barbara Hernandez, John Hoscheit, Don Ishmael, Michael Kenyon, Kurt R. Kojzarek, Bill Lenert, Philip Lewis, John Martin, Myrna Molina, Monica Silva, Thomas Smith, Susan Starrett, Angela C Thomas, Penny Wegman, Barbara Wojnicki
ABSENT:	Jarett Sanchez, Douglas Schefflow

IX. Ordinance

A. FP-O-18-08-0547 Ordinance Amending the General Use Ordinance Chapter 6 Enforcement Section 3 Fines and Penalties

Swimming is prohibited under our ordinance, Chapter 3, Section 1. There is a serious, chronic problem with swimmers at the Big Rock Forest Preserve, in Siegler Lake. This is a quarry lake and was never designed for swimming, which is a dangerous activity there. During hot weather many adolescents come out in significant numbers to swim and dive off the bluffs.

The present mail-in fine structure is \$75, which increases to \$125 if not paid in ten days. In an effort to further deter swimming, the recommendation is to increase the mail-in fine for swimming to \$150 if paid within ten days, and \$200 if paid after that date. Additionally the increased fine would be posted in prominent places next to the no swimming signs.

DISCUSSION: Commissioner Wojnicki asked if Officers have any safety equipment in their vehicles or onsite near the water. Director Gilloffo answered that the District has recently purchased throw sticks and they are in each squad. It is difficult to have such equipment onsite as they would be susceptible to vandalism or theft. Commissioner Allan asked where you enter the area. Director Gilloffo stated that the parking lot entrance is to the south and you take the trail to the lake area.

RESULT:	ADOPTED BY ROLL CALL VOTE [21 TO 1]
MOVER:	Drew Frasz, Commissioner
SECONDER:	Mark Davoust, President Pro Tem
AYES:	Deborah Allan, Margaret Auger, Theresa Barreiro, Mark Davoust, Ron Ford, Drew Frasz, Rebecca Gillam, Barbara Hernandez, John Hoscheit, Michael Kenyon, Kurt R. Kojzarek, Bill Lenert, Philip Lewis, John Martin, Myrna Molina, Monica Silva, Thomas Smith, Susan Starrett, Angela C Thomas, Penny Wegman, Barbara Wojnicki
NAYS:	Don Ishmael
ABSENT:	Jarett Sanchez, Douglas Schefflow

X. Agreements

A. FP-R-18-08-2662 Resolution Authorizing an Amendment to the Wayne Area Conservancy Foundation Prairie Stewardship Services Agreement for the Hoscheit Woods Forest Preserve

On November 2, 2011, the District added a 162.6-acre parcel of property in St. Charles to its landholdings. Not long after, the Wayne Area Conservancy Foundation approached the District, offering to help with restoration efforts on certain portions of the newly acquired property (Hoscheit Woods Forest Preserve). The Conservancy is unique in that it has an active group of volunteers, its own equipment, and fund-raising capability.

The agreement was approved in 2012, revised in 2015, and expired in June of 2018. The District is seeking to renew the previous agreement with one small addition to the reporting requirements. The Conservancy will now be required to provide the District with a monthly report detailing the total volunteer hours and activities performed at the Hoscheit Woods Forest Preserve. Reports will be delivered by the 25th of each month.

This agreement renewal will be for a period of three years and otherwise remains identical to the 2015 revision. This includes the stipulation that specifics about the Foundation's restoration efforts will be formulated in a separate restoration plan, developed jointly by the District's natural resources staff and Conservancy representatives. The Parties' efforts will be focused on developing a comprehensive restoration plan and the Conservancy will work on removing invasive species and maintaining restored prairie plantings. All materials to be used in restoration shall be provided by the Conservancy and District on a cost sharing basis to be determined between them, based on availability and price of prairie plant seed and related materials.

DISCUSSION: None.

RESULT:	ADOPTED BY ROLL CALL VOTE [UNANIMOUS]
MOVER:	Susan Starrett, Commissioner
SECONDER:	Deborah Allan, Commissioner
AYES:	Deborah Allan, Margaret Auger, Theresa Barreiro, Mark Davoust, Ron Ford, Drew Frasz, Rebecca Gillam, Barbara Hernandez, John Hoscheit, Don Ishmael, Michael Kenyon, Kurt R. Kojzarek, Bill Lenert, Philip Lewis, John Martin, Myrna Molina, Monica Silva, Thomas Smith, Susan Starrett, Angela C Thomas, Penny Wegman, Barbara Wojnicki
ABSENT:	Jarett Sanchez, Douglas Scheflow

B. FP-R-18-08-2663 Resolution Authorizing an Easement Agreement with the Union Pacific Railroad for the Pedestrian Underpass Crossing

As part of the Raymond Street Tunnel Project, the District must acquire a permanent easement for the tunnel installation in an area of 70' x 80' and various temporary easements for construction purposes from the Union Pacific Rail Road (UPRR). The cost of the permanent easement is \$15,600.

Additionally, the UPRR is estimating additional fees totaling \$154,000 (review fees \$10,000 and on site flaggers at \$144,000) during the construction phase of the project. At the time this

contract is signed, the District will pay the \$15,600 for the permanent easement.

UPRR will bill the District for review fees as services are rendered. The District has \$9,700 remaining in the current PO with UPRR for review fees, therefore no additional funds will be needed at this time.

The \$144,000 of flagger fees will be billed directly to the awarded construction contractor by UPRR and paid by the contractor to UPRR. IDOT will then bill the District for its 20% portion of this expense estimated to total \$28,800.

The Phase III engineer (Benesch) will submit a request to IDOT to include in the grant the \$10,000 in review fees. If awarded, a request for reimbursement will be submitted to IDOT following the completion of the project, of which \$8,000 (80%) is estimated to be returned to the District. If the grant is not awarded, the District is obligated to pay 100% of these expenses and will not be reimbursed.

The \$144,000 of estimated construction flagger costs will be billed directly to the awarded construction contractor by UPRR and paid by the contractor to UPRR. The Phase III engineer (Benesch) will submit a request to IDOT to include in the grant the construction flagger expenses. If awarded, IDOT will then bill the District for its 20% portion of this expense estimated to total \$28,800. If the grant is not awarded, the District is obligated to pay 100% of these expenses. This expense is already accounted for in the construction estimate included in the grant resolution to be expensed at a later date based on actual costs.

The permanent easement expense of \$15,600 is not eligible for reimbursement through the grant.

DISCUSSION: None.

RESULT:	ADOPTED BY ROLL CALL VOTE [UNANIMOUS]
MOVER:	Rebecca Gillam, Commissioner
SECONDER:	Don Ishmael, Commissioner
AYES:	Deborah Allan, Margaret Auger, Theresa Barreiro, Mark Davoust, Ron Ford, Drew Frasz, Rebecca Gillam, Barbara Hernandez, John Hoscheit, Don Ishmael, Michael Kenyon, Kurt R. Kojzarek, Bill Lenert, Philip Lewis, John Martin, Myrna Molina, Monica Silva, Thomas Smith, Susan Starrett, Angela C Thomas, Penny Wegman, Barbara Wojnicki
ABSENT:	Jarett Sanchez, Douglas Schefflow

C. FP-R-18-08-2664 Resolution Authorizing District Participation and Funding for the Improvements Associated with the Raymond Street Tunnel Project

In February 2, 2016, the Commission approved Resolution 16-02-2447 formerly authorizing \$2,218,621 for the Raymond Street Tunnel Project as part of a CMAQ Grant through the Illinois Department of Transportation (IDOT). The project is scheduled to be bid by IDOT in their November letting and they have requested an updated resolution of funding confirmation.

Since the 2015/16 fiscal year budget, the Commission has approved a total of \$872,372 for what was anticipated to be the District's portion of project expenses for Phase II engineering, Phase III engineering, and construction.

Additional costs over the originally projected expenses within the grant have been incurred totaling \$532,523 to include the following:

Project Element	Original Estimated <u>Grant Award</u>	Additional <u>Costs</u>	Current Actual/Estimated <u>Total</u>	District's Current <u>Obligation</u>	Obligation with Additional <u>Grant Award</u>
UPRR Perm. Easement-	\$ -	\$ 15,600	\$ 15,600	\$ 15,600	\$ 15,600
UPRR Plan Review-	\$ -	\$ 40,253	\$ 40,253	\$ 40,253	\$ 8,051
Phase II Engineering-	\$ 136,174	\$ 50,000	\$ 186,174	\$ 77,235	\$ 37,235
Phase III Engineering-	\$ 250,000	\$ 39,371	\$ 289,371	\$ 89,371	\$ 57,874
Wetland Credits	\$ -	\$ 47,200	\$ 47,200	\$ 47,200	\$ 9,440
UPRR Const. Review-*	\$ -	\$ 10,000	\$ 10,000	\$ 10,000	\$ 2,000
UPRR Flaggers-*	\$ -	\$ 144,000	\$ 144,000	\$ 144,000	\$ 28,800
Construction-*	\$ 2,333,881	\$ 186,099	\$ 2,519,980	\$ 652,875	\$ 503,996
Totals	\$ 2,720,055	\$ 532,523	\$ 3,252,578	\$ 1,076,534	\$ 662,996

*Projected costs

The updated expenses above bring the District's current obligation for the entire project to \$1,076,534. The above additional expenses will be submitted to IDOT through Benesch Engineering (Phase III) immediately following the bid letting to be included in the grant for 80% reimbursement to the District. If awarded, the District's total projected obligation will be modified. Based on current expenditures and the above final estimates for the project, if additional grant funding is awarded, the District's obligation moving forward would total \$662,996. Since inception, the District's total obligation is estimated to be \$806,657 for this project.

Executive Director Meyers went on to explain that the figures those with the asterisks are estimated at this time.

DISCUSSION: None.

RESULT:	ADOPTED BY ROLL CALL VOTE [UNANIMOUS]
MOVER:	Margaret Auger, Commissioner
SECONDER:	Monica Silva, Commissioner
AYES:	Deborah Allan, Margaret Auger, Theresa Barreiro, Mark Davoust, Ron Ford, Drew Frasz, Rebecca Gillam, Barbara Hernandez, John Hoscheit, Don Ishmael, Michael Kenyon, Kurt R. Kojzarek, Bill Lenert, Philip Lewis, John Martin, Myrna Molina, Monica Silva, Thomas Smith, Susan Starrett, Angela C Thomas, Penny Wegman, Barbara Wojnicki
ABSENT:	Jarett Sanchez, Douglas Schefflow

XI. Communications

President Kenyon advised of the upcoming Restoration Work Days on August 18th at the Tekakwitha Woods Forest Preserve from 9 am to 12 pm and at Burnidge Forest Preserve from 1 pm to 3 pm. He also reminded the Commission that the upcoming Planning and Utilization as well as the Land Acquisition Committee meetings are scheduled for Friday, August 24th, not their usual Thursday this month.

XII. Closed Session to Discuss Land Acquisition, Contracts, Litigation, and Personnel *None.*

XIII. President's Comments

President Kenyon advised of the upcoming Restoration Work Days on August 18th at the Tekakwitha Woods Forest Preserve from 9 am to 12 pm and at Burnidge Forest Preserve from 1 pm to 3 pm. He also reminded the Commission that the upcoming Planning and Utilization as well as the Land Acquisition Committee meetings are scheduled for Friday, August 24th, not their usual Thursday this month.

XIV. Department Reports for July 2018

RESULT:	PLACED ON FILE BY VOICE VOTE [UNANIMOUS]
MOVER:	Mark Davoust, President Pro Tem
SECONDER:	Drew Frasz, Commissioner
AYES:	Deborah Allan, Margaret Auger, Theresa Barreiro, Mark Davoust, Ron Ford, Drew Frasz, Rebecca Gillam, Barbara Hernandez, John Hoscheit, Don Ishmael, Michael Kenyon, Kurt R. Kojzarek, Bill Lenert, Philip Lewis, John Martin, Myrna Molina, Monica Silva, Thomas Smith, Susan Starrett, Angela C Thomas, Penny Wegman, Barbara Wojnicki
ABSENT:	Jarett Sanchez, Douglas Schefflow

XV. Adjournment

RESULT:	ADJOURNED BY VOICE VOTE [UNANIMOUS]
MOVER:	Don Ishmael, Commissioner
SECONDER:	Thomas Smith, Commissioner
AYES:	Deborah Allan, Margaret Auger, Theresa Barreiro, Mark Davoust, Ron Ford, Drew Frasz, Rebecca Gillam, Barbara Hernandez, John Hoscheit, Don Ishmael, Michael Kenyon, Kurt R. Kojzarek, Bill Lenert, Philip Lewis, John Martin, Myrna Molina, Monica Silva, Thomas Smith, Susan Starrett, Angela C Thomas, Penny Wegman, Barbara Wojnicki
ABSENT:	Jarett Sanchez, Douglas Schefflow

Michael Kenyon, Chairman
Forest Preserve District Commission
Forest Preserve District of Kane County

Adjournment until: Tuesday, September 11, 2018 at 9:00 am
Kane County Government Center Building A
719 Batavia Avenue, Geneva, Illinois

Respectfully Submitted,

Ellen J. Maglio

Ellen J. Maglio
Recording Secretary