I. Call to Order

President Wehrli called the meeting to order at 5:32 p.m. in the Kendall County Board Room.

II. Roll Call

Commissioners Cullick, Davidson, Gilmour, Koukol, Prochaska, and Wehrli all were present.

III. Approval of Agenda

Commissioner Prochaska made a motion to approve the agenda as presented. Seconded by Commissioner Cullick. All, aye. Opposed, none.

IV. Citizens to be Heard

No public comments were offered.

V. Director's Report

Director Guritz reported that major projects for the prior period included completion of the S&P bond rating review process, progress towards the acquisition of the Fox River Bluffs property, continuing efforts to reallocate fiscal year appropriations within the budget and beginning the process for forecasting end of year projections for the current fiscal year, and projections for the FY 15-16 budget, which included an analysis of the farm license agreement revenues and preparation of 2015 farm license agreements. All is in order with the bond refunding project, with a closing date set for April 22. Additional savings will be recognized for interest rates within the refunding due to the bond insurance agencies AA bond rating. The EAB tree removal process has wrapped up, and we have received an invoice from the contractor. General consensus of staff is that Arborworks went above and beyond with the tree removals from Harris and Hoover. The program season is ramping up for rentals, weddings, and environmental education programs for schools.

Commissioner Davidson inquired into the tree removal contract, and whether all the trees had been removed. Director Guritz stated that only those trees in the campsite area at Hoover had been removed. All others were left in the woodland areas away from pathways per contract to keep contract costs down.
Commissioner Davidson asked whether a working budget could be presented in the next 30-40 days. Director Guritz stated that progress has been made, but there are still some blind spots remaining on the operating revenues. Finance has been looking at the monthly financial reports, and it appears we are tracking well with the projected expenditures for the year. Director Guritz stated that the revised working budget should come into sharper focus within the next 60 days.

Commissioner Gryder arrived at 5:37 p.m.

Commissioner Gryder added that the budget work that needs to be completed is a top priority, and should take precedence over other tasks.

Director Guritz drew attention to a section of the Director’s Report covering budget and finance deficiencies reported within the S&P bond rating review report and the Wipfli auditing report. In looking at the budget challenges, without blame or fault, the District started this fiscal year with an operating fund deficit and without a fund balance policy in place. The District ended the last fiscal year over expending beyond appropriations in three different funds. The way to fix these issues is to establish an operating fund balance, and approve a fund balance policy as part of a balanced budget for the upcoming year which will include beginning the work to restore properties to natural areas as required under grant agreements, including charging appropriate staff salaries to support cropland conversions. It is within the ability and means of the District to accomplish this, and Commission should carefully consider this need and opportunity for balancing the budget.

President Wehrli stated that in his consultations with conservation agencies, charging of staff salaries to capital projects is accepted practice and provides opportunities for sustaining staff efforts to restore natural areas.

Director Guritz added that a project is currently underway to assign replacement values on all District buildings and infrastructure for insurance purposes. There are many structures on the landscape, including dilapidated structures that need to be demolished, and newer buildings that need to be maintained. The District has a lot of capital needs that will need to be addressed, and these needs cannot be met with the funds available in operations.

VI. Anti-Harassment Policy and Training

Director Guritz reported that the District needs to approve an anti-harassment policy and approve a motion to receive training from the State’s Attorney’s Office. This is the start of a project to establish a separate personnel policies manual for the District, which will include establishing an intergovernmental agreement with Kendall County to define roles and support services extensions.
President Wehrli stated that this is part of the effort to further separate the forest preserve district from the county. As the annual training dates approach the State’s Attorney’s Office has offered to conduct separate trainings for District supervisors and support staff. In order for them to conduct the trainings, an approved policy needs to be in place. Any changes or suggestions for revisions should be submitted to Director Guritz to make the edits.

Commissioner Gilmour asked whether this proposed policy was more or less the same as the County’s policy. Director Guritz stated that this policy was drafted using the SAO’s policy as the template. For future policies, the District will also be looking at the County’s policies.

VII. 2015 Farm License Agreements

Director Guritz distributed an updated spreadsheet showing farm license agreement projections for the current fiscal year. The revised spreadsheet also detailed base rent payments and yield payments past due from prior years.

The FY 15 audit indicated the District received $175,000 in farm license revenue for the period. As part of this analysis, it was determined that approximately $44,000 of the revenue collected in FY 15 was for crop yield payments from the prior year. Based on this, the base rent total amount payable for all farm license contracts in FY 14 was $117,775, with an additional $14,400 received for yield payments for that year. For FY 15 $146,182 is anticipated collectively for base rent payments which includes 95 acres under production at $300 per acre for the Fox River Bluffs property. The analysis also confirmed past due payments owed by Majestic Nursery – Randy and Gayle Roberts in the amount of $1,265, and $9,651 from Dan and Don Roberts.

This report had been reviewed by Latreese Caldwell, and does reconcile with the audit report.

Commissioner Gilmour inquired into whether yield payments should be expected from all farm license contracts.

Commissioner Davidson responded that not all land farmed by the District generates the volume of crop production that would result in additional yield payments.

Commissioner Gilmour inquired into whether the District would be continuing the relationship with Dan and Don Roberts based on the late payments.

President Wehrli stated that the issue has been resolved, but involved production in 2012 when the District constructed trails within the farm license agreement area prior to the harvest of crops. Because of these impacts, Dan and Don Roberts were told that base rent
and yield payments would be credited, but these figures were never presented to them to determine amounts owed to the District. Trail construction activities impacted approximately 10 acres, and the amount of this credit has now been calculated with the final figure of $9,651 that will be paid to the District in the current year.

Commissioner Koukol thanked Director Guritz for identifying this issue, and sitting down with Dan and Don Roberts to negotiate the amount owed.

Parcel numbers and GIS acreage was also examined, and two contract corrections made to two parcel index numbers.

Commission also concurred that the request from Don Young to determine yield calculation payments based on calibrated yield transect data taken during harvest within the 12-acres farmed along Blackberry Creek was appropriate and acceptable.

Commission also discussed crop insurance provisions of the contracts.

Commissioner Davidson suggested that any changes to future agreements, or changes in licensed farmers, needs to be determined by August, and brought to Commission for consideration by mid-September.

**VIII. Exhibitor-Vendor Agreements Template**

Director Guritz requested Commission review of an exhibitor and vendor agreement template, and authority to execute these agreements on behalf of the District. This will allow the District to establish formal agreements with exhibitors and vendors on District properties to support events, insure that the appropriate liability coverage is in place depending on the activities performed, and ability to adjust or waive insurance extension requirements depending on the nature of the exhibit or vending service.

Director Guritz requested assignment of signature authority for executing exhibitor and vendor agreements, including the ability to adjust or waive insurance requirements.

President Wehrli inquired into whether this was for instances where the District was paying for a service, or if this would be used for exhibitors paying the District to exhibit. Director Guritz stated that the template could be used in either situation.

Commissioner Gilmour expressed concerns about communications from the State’s Attorney’s Office related to contract reviews, with an interest in having relevant information received from the State’s Attorney’s Office prior to the meeting.
Director Guritz stated he would send out the e-mail received back from the State’s Attorney’s Office with their template review comments.

The board discussed use of the exhibitor-vendor agreements template, the types of exhibitors and vendors at District events, and the District’s overall risk and liability management program and processes.

Commissioner Davidson suggested that the board review insurance and general liability coverages for the District with the insurance agent to determine what is covered, and what is not covered for hosted programs and events. The board instructed Director Guritz to forward the template to the insurance carrier, and plan to hold another discussion with the insurance carrier and State’s Attorney’s Office present to discuss the need and provisions for this type of agreement.

Director Guritz informed the board that he has requested a quote for additional insurance coverage for the District’s equestrian programs, and will share this information with the board once received.

IX. Millbrook Bridge: Inspection Updates – Old Whitfield-Valley Road Title Search

Director Guritz reported that the Millbrook bridge inspection has been completed, and HR Green will be scheduled to present the results at an upcoming meeting. Separately, it has been suggested that grant funding may be available for repairs if the Old Whitfield Road-Valley Road easement could be opened as a trail connection corridor between the Shuh-Shuh-Gah canoe launch and Millbrook North Forest Preserve.

Director Guritz stated he would be securing a quote to complete a title search to identify the property location of the road easement. Separately, there may be a need for a survey to compare property boundaries to the location of the existing road improvements.

Commissioner Gryder reported that he was able to sit in on a meeting held recently with the engineers and County highway department to discuss the past history and current condition of the bridge. Beyond the road corridor title search, it was suggested that the forest preserve may not actually hold title over the bridge. The other issue discussed was a 30-year old letter from the Illinois Department of Transportation expressing concern that the Millbrook Bridge had not been removed as planned, citing concerns over the potential for structural or hydraulic impacts to the new vehicular bridge.
Laura Stuart also participated in the meeting, and provided grant program suggestions for a pedestrian river crossing either for Millbrook Bridge improvements or construction of a new crossing.

Commissioner Gryder stated that following the presentation by HR Green, the board may need to consider closing the bridge to address public safety.

The board discussed the question of whether the District actually owns the bridge. Director Guritz stated that Fox Township conveyed ownership of the bridge to the District by deed, but may or may not have vacated the road corridor property and right-of-way to the District. The right-of-way or road easement is located on private property, which was customary practice at the time the road easement was established.

Commissioner Davidson stated that what normally happens is that the roadway dedication is carried on the title, with property owners bisected by the roadway owning the property up to the center line.

Director Guritz agreed, but in this case, the location or legal description for the road easement may not actually match the location of the road improvements.

Commissioner Davidson adjourned from the meeting at 6:30 pm.

X. IDOT Rail Safety Crossing Grant: Hoover FP Main Entrance Road Survey, Conveyance, and Intergovernmental Agreement

Director Guritz stated that as part of the IDOT grant, the Hoover road entrance needs to be a public road held by either Kendall County or Kendall Township. Fran Klaas has reached out to IDOT to first identify the best agency fit by definition for the public road to determine which agency the District will need to work with to dedicate the road. Separately, the District will need to enter into an intergovernmental agreement with that agency that will place responsibility on the District to maintain the roadway.

Once this determination is made, a survey will be ordered to develop the legal description for the road.

President Wehrli stated that it will likely be the township we will need to work with, as a County Highway by definition cannot simply end in the middle of a Forest Preserve.

XI. Executive Session

Commissioner Cullick made a motion to enter into executive session under 2(c)5 of the Open Meetings Act to discuss the purchase or lease of real property for the use of the
public body, including meetings held for the purpose of discussing whether a particular parcel should be acquired. Seconded by Commissioner Prochaska. All, aye. Opposed, none.

Roll call: Commissioners Gilmour, Gryder, Prochaska, Cullick, Koukol, and Wehrli

Executive session called to order at 6:38 pm.

Commissioner Prochaska made a motion to reconvene the regular meeting. Seconded by Commissioner Cullick. All, aye. Regular meeting reconvened at 6:58 pm.

XII. Other Items of Business

None.

XIII. Adjournment

Commissioner Prochaska made a motion to adjourn. Seconded by Commissioner Gryder. All, aye. Meeting adjourned at 6:59 p.m.

Respectfully submitted,

David Guritz
Director, Kendall County Forest Preserve District