

**KENDALL COUNTY FOREST PRESERVE DISTRICT  
COMMITTEE OF THE WHOLE MEETING MINUTES**

**FEBRUARY 15, 2017**

**I. Call to Order**

President Gilmour called the meeting to order at 5:55 pm in the Kendall County Board Room.

**II. Roll Call**

Commissioners Cullick, Davidson, Flowers, Kellogg, Prochaska, Purcell, and Gilmour all were present.

**III. Approval of Agenda**

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

**IV. Citizens to be Heard**

No public comments were offered by those present at the meeting.

**V. Director's Report**

Director Guritz reported that the FY 15-16 audit draft should be available for review after March 2, 2017. Once the draft audit is complete, the District will receive a bond rating from Moody's for the 2017 Series refunding.

Director Guritz reported that efforts are underway to evaluate the water distribution system at Hoover Forest Preserve.

The District is examining a potential Recreational Trails Program grant opportunity, with a grant submission deadline of April 3, 2017 for Millbrook South Forest Preserve, which would include enhancement of the Fox River Drive parking area for ADA accessibility, and construction of a multipurpose trail loop. The RTP grant program funds up to 80% of total project costs.

Commissioner Purcell inquired into our covenant requirements for Millbrook South Forest Preserve. Director Guritz reported that both federal and state funding support acquisition of Millbrook South, with Millbrook North acquired exclusively with referendum bond funding.

Director Guritz reported that Oswego East High School will be participating in Project Maramech in March, with approximately 150 students participating in two educational field trip dates, and assisting with restoration project efforts.

Director Guritz reported that the pre-bid conference for the Henneberry Forest Preserve Mitigation and Restoration project went well, with a detailed report included for discussion on the agenda.

## **VI. Yorkville Athletic Association NFP – 2017 Hoover Ball Field Lease Agreement and Proposed Improvements**

Director Guritz introduced Mike Klimavicius, President of the Yorkville Fury. Director Guritz reported that a meeting was held in the previous week to review the terms of the 2017 lease agreement. As part of the review, Mr. Klimavicius requested postponement of provisions requiring a grounds maintenance security deposit and cleanup fee.

Director Guritz stated that these provisions have been removed in the final draft for Commission approval, with the understanding that Yorkville Fury will take full responsibility for disposal of trash and cleanup of the lease agreement area after each and every use.

Mr. Klimavicius requested that Commission consider a longer term lease agreement in light of the Association's desire to invest capital funding in ballfield improvements, starting with the installation of a 400-foot five-foot tall outfield fence and 6-foot running track, and improvements to the dugout areas. Mr. Klimavicius stated that player separation from bleacher seating is needed.

Mr. Klimavicius stated that the parents have enjoyed playing at Hoover since 2012. The ballfield hosts players starting at the 8U level, with 5-teams actively utilizing the field for games and practices. In light of the capital improvement investment, Mr. Klimavicius requested consideration of a 5-year term for the lease agreement.

The Committee of the Whole discussed the issue with player safety in terms of addressing uneven terrain caused by mole activity. Commission provided direction to revise the lease agreement to allow for the treatment of the ball field area with GrubEx to deter mole activity. Commissioner Purcell extended an offer to donate the product for application in the ballfield area.

Mr. Klimavicius stated that during his meeting with Director Guritz, it was suggested that the District's equipment and labor could be used to offset a portion of the cost for installation of the new fence area.

The Committee of the Whole discussed the grounds cleanup deposit and cleanup fee, noting that the provisions had been lined-out in the final draft. The Committee of the Whole reached consensus that should cleanup continue to pose a problem, the issue will be re-explored after this first season.

Commissioner Purcell inquired into other changes in the license agreement. Director Guritz stated that in addition to the extension of support of the fencing improvement project, the annual lease fee has been increased to cover the costs for additional requested maintenance.

Commissioner Purcell inquired into how the improvements will be addressed in the project, suggesting that the lease agreement show that improvements made to the area become the property of the District following completion.

Commissioner Purcell also suggested including a provision that would trigger amendment of the agreement if the trash issue is not resolved in the coming year. Commissioner Prochaska also echoed these concerns, noting that there are provisions in the draft agreement that provide the opportunity for future amendment of the agreement.

Committee of the Whole consensus and direction is to move the agreement forward as amended to Commission for approval. Amendments included allowance for use of GrubEx for mole control, extension of a 5-year lease term, and inclusion of provisions to allow for amendment of the agreement, subject to Commission approval.

## **VII. Henneberry Forest Preserve Mitigation and Restoration Project #17-03-001 – 2017 Farm Lease Logistics and Pre-Bid Conference Updates**

Director Guritz presented the pre-bid meeting results, including bidding firm sign-in sheet, and the pre-bid meeting addendum. The bid opening is scheduled for March 1, 2017 at 10:15 am.

Director Guritz reported that an add-alternate has been added for the installation of woodchip mulch for tree and shrub protection.

Commissioner Purcell inquired into the farm lease logistics. Commissioner Kellogg stated that the herbicide application program is under review to insure the area is free and clear of residual product impacts at the time of the fall planting.

Director Guritz stated we are also examining the terms of the lease agreement including tight control of the weed management program. Because the cropland will be in the third year of soybean production, the District's farm operator, Junior Collins, suggested that rent be limited to the value of one-third of the total harvest within the area for the upcoming year. Commissioner Kellogg also stated that there will be a big difference in productivity with using early harvest seed, so changing the base rent terms makes good sense.

Commissioner Prochaska inquired into bidder response to the provisions calling for possible three-year control of Palmer amaranth. Director Guritz stated that the provisions were strongly articulated during the pre-bid meeting, noting the contractor knowledge on the subject and issue was limited.

Commissioner Kellogg provided insights on the impacts and spread of the super weed.

## **VIII. FY 15-16 Audit Updates –Report on the Review of the 2007 Series Bonds Debt Service Schedule and Fiscal Year Levies**

Director Guritz presented a report from Latreese Caldwell developed in consultation with Speer Financial, Inc. tying out the past District debt service levies to the debt service schedule for the 2007 Series Debt Service Fund and subsequent 2015 and 2016 Series refunding projects. WIPFLI CPAs had indicated that the District over levied for the debt service payments. However, the auditors did not anticipate the required debt service payment due in January 2017. The District has correctly levied the appropriate amounts in past years in order to cover its debt service payments.

## **IX. 2017 Series Bond Refunding Updates**

Director Guritz provided updates on the 2017 Series refunding bonds. Director Guritz stated that Commissioner Flowers will receive forms certifying the approval of the agenda and minutes for the Series 2017 authorizing ordinance as part of the February 7, 2017 Commission meeting.

Director Guritz reported that the due diligence conference call to review the District's official Position Statement pursuant to receiving a bond rating for the issuance was completed, with the rating assignment to be issued following completion and submission of the District's FY 16 draft audit.

## **X. Ellis House and Equestrian Center – Student Horsemanship Instructor Lease Agreement Template**

Director Guritz requested Committee of the Whole consideration of a proposed lease agreement template to extend housing to student horsemanship instructors for Ellis House and Equestrian Center. Director Guritz reported that a similar agreement will be needed with the Ellis Volunteer Caretaker as this position is considered for transition to a part time position.

Director Guritz reported that the purpose of the agreement template is to provide the opportunity for the District to consider an extension of a housing option to potential student candidates as part of an offer for employment. The District has a history of recruiting and retaining Black Hawk Community College students pursuing or graduating with Equine Science associate degrees. Extension of a housing option may help to entice future students to seek employment with the District while earning college credit towards their degree requirements.

The Committee of the Whole discussed the template, noting concerns over challenges with terminating a lease agreement in the event that a Horsemanship Instructor is terminated from District employment. Director Guritz stated that the positions filled would be seasonal

in nature based on student schedules, with lease terms extended to coincide with the academic calendar for participating students.

Commissioner Davidson left the meeting at 6:45 pm, and did not return.

President Gilmour requested if there were other discussion points from the Programming and Events Committee meeting. Commissioner Flowers stated that as part of the template development, pay would not be tied to a rent payment provision. Student horsemanship instructors would not be required to pay rent while in residence and active employment with the District.

Commissioner Purcell asked whether there was a minimum requirement for hours of employment. Director Guritz stated that so long as work was being performed in any given week, no rent would be owed to the District. Director Guritz stated that the reason that student horsemanship instructors would be paid rather than serving within an internship has to do with labor laws surrounding unpaid interns. Unpaid interns cannot perform the same tasks as paid employees, must be supervised at all times, and cannot work independently. Unpaid interns would have significant limitations on use in program, and add a heavy burden for required supervision.

Commissioner Purcell stated that the lease term should be clearly defined in order to avoid complications with individuals residing in the student housing space beyond the term of their employment.

Commissioner Purcell stated that a license agreement might be a better approach to examine in the future.

The Committee of the Whole provided direction to allow staff the flexibility for extending housing to potential student horsemanship instructors as part of an offer of employment, amending the template to include a required \$500.00 security deposit. Director Guritz stated that any lease offer extended would be subject to Commission approval.

## **XI. Executive Session**

Commissioner Purcell made a motion to enter into executive session under 2(c)5 and 2(c)21 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, and for the discussion of minutes of meetings lawfully closed under this Act, whether for purposes of approval by the body of the minutes or semi-annual review of the minutes as mandated by Section 2.06.

Seconded by Commissioner Prochaska.

Roll call: Commissioners Cullick, Flowers, Kellogg, Prochaska, Purcell, and Gilmour, aye.  
Opposed, none.

Executive session called to order at 6:58 pm.

Commissioner Prochaska made a motion to adjourn from Executive Session. Seconded by  
Commissioner Kellogg. Aye, all. Opposed, none.

Regular session reconvened at 7:19 pm.

## **XII. Other Items of Business**

Commissioner Cullick reported that the Finance and Programming and Events Committee meetings scheduled for the first week of March will be held back to back on March 1, 2017.

## **XIII. Citizens to be Heard**

None.

## **XIV. Summary of Action Items to be Taken**

None recorded.

## **XV. Adjournment**

Commissioner Kellogg made a motion for adjournment. Seconded by Commissioner Prochaska. Meeting adjourned at 7:20 pm.

Respectfully submitted,

David Guritz  
Director, Kendall County Forest Preserve District