

**KENDALL COUNTY FOREST PRESERVE DISTRICT
FINANCE COMMITTEE MEETING MINUTES**

SEPTEMBER 13, 2017

I. Call to Order

Acting Finance Committee Chair Gilmour called the Finance Committee meeting to order at 4:35 pm in the Kendall County Board Room.

II. Roll Call

Commissioners Davidson, Prochaska, Gilmour and, all were present.

Commissioner Davidson made a motion to appoint Commissioner Prochaska to the Finance Committee for the meeting to achieve a quorum. Seconded by Commissioner Gilmour. Aye, all. Opposed, none.

III. Approval of Agenda

Commissioner Prochaska made a motion to amend the agenda order to allow for entry into "Executive Session" following "Citizens to Be Heard." Seconded by Commissioner Gilmour. Aye, all. Opposed, none.

IV. Citizens to be Heard

No public comments were offered by those in attendance.

V. Executive Session

Commissioner Davidson 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.

Roll call: Commissioners Davidson, Prochaska and Gilmour, aye. Opposed, none. Motion unanimously approved.

Executive Session called to order at 4:35 pm.

Commissioner Cullick entered the Executive Session meeting at 4:45 pm, presiding over the remainder of the Finance Committee meeting.

Commissioner Prochaska made a motion to adjourn from Executive Session. Seconded by Commissioner Cullick. Aye, all. Opposed, none. Motion unanimously approved.

Regular meeting reconvened at 5:00 pm.

VI. Approval to Forward Claims in an Amount Not-to-Exceed \$24,815.43.

Commissioner Davidson made a motion to forward claims to Commission in the amount of \$24,815.43. Seconded by Commissioner Prochaska.

The Finance Committee reviewed the claims list. Director Guritz reported that the claims list includes payments for approved capital project expenditures, as well as several security deposit returns for completed rental events at Ellis House and Hoover Forest Preserve.

Director Guritz also drew attention to the Newark Sanitary water testing reimbursement for wastewater treatment pond testing at Hoover Forest Preserve from November 2016 to present.

The Finance Committee discussed the Kendall County Outdoor Education Center claim in the amount of \$1,327.37 representing the proceeds from the 2017 Nature Quest summer camp sessions. The amount represents 50% of the registration proceeds after the direct camp expenses.

Chairman Cullick called the question. All, aye. Opposed, none.

VII. OmniTRAX – Illinois Railway Hoover Crossing Agreement – Negotiation Updates and Directions

The Finance Committee discussed the status of negotiation of a railway crossing agreement with OmniTRAX-Illinois Railway, including the pending federal grant-funded rail safety improvements through IDOT for the public road crossing at Hoover Forest Preserve to be completed as directed by the Illinois Commerce Commission final order.

Director Guritz reported that the ICC Docket had been recently updated by OmniTRAX attorneys requesting a 1-year extension to September 2018 to complete the project.

An overview report, memorandum from the Kendall County State's Attorney's Office, and past correspondence with OmniTRAX was included as an agenda packet report. The packet includes engineering specifications and a cost opinion completed by HR Green – SEC Group submitted to OmniTRAX as part of previous efforts to negotiate a crossing agreement and proposed crossing improvements.

Director Guritz reported that OmniTRAX is requesting \$9,000.00 in back-payments for annual crossing fees, and \$66,339.30 for crossing improvements completed in October 2016, absent an approved agreement. Director Guritz stated that the improvement costs completed in October 2016 do not match up with the HR Green-SEC Group engineering study and specifications presented to OmniTRAX-Illinois Railway pursuant to the District's past efforts to negotiate a crossing agreement, suggesting that the "Exhibit A" in the draft agreement was developed by OmniTRAX in response to the submitted drawings and estimates.

Director Guritz reported that the October 2016 improvements could have been delayed and completed under the terms of the federal grant and Illinois Commerce Commission order had the company recognized the opportunity to engage during the lengthy petition process. It is unclear at this point whether the OmniTRAX improvements completed in October 2016 will be able to remain in place as the federally-funded rail safety improvement project moves forward.

Director Guritz noted that per correspondence with other Kendall County government and municipal agencies including the United City of Yorkville, different railway companies approach crossing agreements differently, with some waiving annual crossing fees for government agencies, but adding that typically the agency holding the crossing agreement agrees to pay for future maintenance costs for the crossing improvements.

The Finance Committee reviewed the Kendall County State's Attorney's Office memorandum requesting directions from Commission regarding current efforts to negotiate a crossing agreement.

Director Guritz recommended directing the State's Attorney's Office to request that OmniTRAX consider waiving or lowering the annual crossing back-payments and future payments, and submit additional documentation for the actual costs incurred for the October 2016 improvements completed for consideration as part of the negotiation of the final agreement.

Director Guritz also stated that the District's assignment of future maintenance costs within the final crossing agreement should be carefully examined to understand the District's scope and responsibilities that will be assumed within the crossing agreement for maintaining the completed improvements.

Commissioner Procahska pointed out that the Kennedy Road crossing is under the jurisdiction of the Burlington-Northern Railway.

VIII. Review of Financial and Cost Center Income Statements through August 30, 2017

The Finance Committee discussed the financial and income statements through August 30, 2017.

Budget Coordinator Latreese Caldwell presented an overview of the statements, and end-of-year projections. Mrs. Caldwell reported that the District is currently running a \$42,000 deficit for the year.

The Finance Committee reviewed the cost center summaries.

Latreese Caldwell reported that the District is on track for exceeding budget projections for the year with an estimated surplus of \$37,000.00.

Commissioner Davidson suggested that ideally, property taxes received during the fiscal year should fund the following year's expenses.

Director Guritz reported that he was working with the District's program managers and coordinators to address part time salary and benefit expense overages and imbalances that are not commensurate with the volume of program services delivered. New program budget models are being developed that the managers and coordinators will need to carefully manage in the upcoming year to close the program budget deficits to cover all direct costs, and in all areas, achieve the target program net projections.

IX. Other Items of Business

Director Guritz reported that the District has received the quit claim deed terminating the Pickerill-Pigott life estate effective September 1, 2017. The ComEd utility bill has been transferred to the District's account. Mr. Pickerill is requesting consideration of the District assuming the 2017 pro-rated tax bill payable in 2018 estimated at around \$19,000.00 which will be discussed during the Committee of the Whole in order to receive direction from the Board.

X. Citizens to be Heard

No public comments were offered by those in attendance.

XI. Adjournment

Commissioner Gilmour made a motion to adjourn. Seconded by Commissioner Cullick. Aye, all. Opposed, none. Meeting adjourned at 5:38 pm.

Respectfully submitted,

David Guritz
Executive Director, Kendall County Forest Preserve District