

**Vermilion County Conservation District
Headquarters: Kennekuk County Park
Danville, IL**

**RECORD OF PROCEEDINGS
REGULAR MONTHLY MEETING OF THE
BOARD OF TRUSTEES**

**Wednesday, November 20, 2013
4:30 p.m.
Zack Hickman Room
Kennekuk County Park
Danville, IL**

President Little called the November Regular Meeting of the Vermilion County Conservation District Board of Trustees to order and opened the meeting with the Pledge of Allegiance to the American Flag.

Roll call showed the following.

Trustees Present: Ken E. Green
Brett K. Little
B. Dirk Porter

Trustee(s) Absent: Nikki A. Bogart
Perry A. Jaynes

In attendance were Ken Konsis, Executive Director; and Jamie Pasquale, Associate Director.

Staff member present included Charles Rhoden.

First order of business, agenda item number four, was the Adoption of, or Amendments to the Agenda.

Trustee Green moved to approve the agenda as presented. This was followed by a second from Trustee Porter. All in favor by acclamation, motion carried.

Agenda item number five was the Approval of the Minutes from the September 25, 2013 Regular Meeting. President Little asked for any corrections to the minutes. There were none.

Trustee Green moved to approve the September 25, 2013 Regular Meeting Minutes as presented. This was followed by a second from Trustee Porter. All in favor by acclamation, motion carried.

President Little asked for approval or corrections for the minutes of the October 23, 2013 Special Meeting.

Trustee Porter moved to approve the October 23, 2013 Special Meeting Minutes as presented. This was followed by a second from Trustee Green. All in favor by acclamation, motion carried.

Item number six, Audience Comments. There were none.

Agenda Item number seven, the Treasurer’s Report. President Little asked if there were any comments or questions on items seven a. – seven e. There were none.

Trustee Green moved to approve the Current List of Bills from September 2013 in the amount of \$18,083.30, which included check #s 31772-31807; the Manual Checks for September 2013 in the amount of \$34,372.19, which included check #s 31668-31688 and #s 31728-31754; the General Journal Entries for September 31, 2013; the September 2013 Budget Report, and the October 16, 2013 Report on Cash and Investments. This was followed by a second from Trustee Porter.

President Little requested a roll call vote. The results:

Trustee Green	-	yes
Trustee Porter	-	yes
President Little	-	yes

The vote was 3-0. Treasurer’s Report, items seven a – e was approved. Motion carried.

President Little asked if there were any comments or questions on items f – i.

President Little asked about the size of the fish that were stocked recently in Lake Vermilion. The Executive Director answered that we always purchase 5-8 inch fish. That is what our IDNR fish biologist recommends. President Little thought that fish at this size might just be food for the larger bass. He also asked if the fish are tagged, so they can be tracked. Associate Director Pasquale answered that we used to clip the fins on the fish, but we haven’t done that for a while. When the IDNR does electro-shocking, they can determine what year they were stocked by the anticipated growth of the fish.

Trustee Green stated that he had the same question.

President Little next asked if we provide lunch for all of the students attending the Civil War Day event. The Executive Director answered “no”; the lunch is for the volunteers of the event. He next asked about the North Fork Stream Gauging. The Executive Director answered that the U.S. Geological Survey cannot work with a private agency, Aqua Illinois. Therefore, we act as a pass-through for them. The stream gauging is a cost share project. Aqua Illinois is invoiced by the V.C.C.D. and then we write the check to the Geological Survey.

President Little next asked about the Outdoor School books. The Executive Director answered that the cost of the books is covered by sponsorships. There were no further questions.

Agenda item seven j. President Little asked the Executive Director to give the Report on Cash and Investments.

The Executive Director noted that this report is accurate for today. Our checking account has a current balance of \$131,160. Both Illinois Funds have balances of \$36,100 and \$5,100 respectively.

Since we received our second real estate tax allocation, our Money Market account in Hoopeston has a balance of \$248,700 and the Central Illinois Bank's Money Market has a balance of \$198,200. There is no change in the Preferred Checking Account (Hegeler Account), which has a balance of \$2400.

Our Health Reimbursement Account has a balance of \$5,700 and we recently took out a 3-month CD for .5% interest from Iroquois Federal for \$100,000.

Our grand total of Cash and Investments for November 20, 2013 is \$727,360. This compares to \$691,620 from last year.

The Executive Director asked if there were any questions from the Trustees. There were none.

Trustee Green moved to approve the Current List of Bills from October 2013 in the amount of \$18,445.47 which includes check #s 31877-31907; the Manual Checks for October 2013 in the amount of \$202,231.20, which included check #s 31755-31771 and #s 31808-31839; the General Journal Entries for October 2013; the October 2013 Budget Report and the November 20, 2013 Report on Cash and Investments. This was followed by a second from Trustee Porter.

President Little requested a roll call vote. The results:

Trustee Green	-	yes
Trustee Porter	-	yes
President Little	-	yes

The vote was 3-0. Treasurer's Report, items seven f – j were approved. Motion carried.

Agenda item number eight, Specific Items of Business to be Transacted.

Item eight a: Select CPA Firm for FY 2013-2014.

President Little requested that he abstain from voting because one of the CPA firms is his neighbor. Therefore, since there are only 3 trustees present, any action must be carried by a 3-0 vote according to rules of the Open Meetings Act. Therefore, no action may be

taken. Trustee Porter suggested that this action be tabled until the December meeting. All concurred.

Trustee Green moved to table the selection of a CPA firm until the December 11, 2013 board meeting. This was followed by a second from Trustee Porter. All in favor, motion carried.

Agenda item eight b: Review/Approve Contract for “Phases of the Moon Music and Art Festival”.

The Executive Director stated that the amended contract was sent to the Trustees separately and this took into consideration the concerns of staff, trustees, and himself. Our attorney, Gil Saikley, also reviewed the contract and made some additional changes.

President Little suggested that the contract be reviewed page by page. All agreed.

Trustee Porter asked about the Horseshoe Pond area, specifically, would the general public still be able to fish there during the event. The Executive Director answered that this was why he wanted to specifically state on the contract what will be available to the organizers and what won't. Therefore, the organizers will have access to everything west of the Horseshoe Pond road; leaving the pond and parking area open to the public.

President Little said that he was a little concerned about an escape clause insomuch as if at some point, the Board just didn't want it anymore. The Executive Director answered that after the five years elapse, we can do that. During the five years of the contract, if they violate any portion of the lease, we can also cancel the lease. However, since they have a first-year budget of \$3 M, they are going to be very diligent.

Trustee Green commented that he was not aware of the \$3 M budget. Therefore, he can see why they want a five-year contract.

President Little asked if they would be using generators. The Executive Director responded that they would be entitled to our power at any of the rental facilities just as we provide to the general public. Power for the music, stages, etc. would be provided by generators.

President Little asked about the Disaster Plan which is not yet included in the contract. The Executive Director stated that they will have this to us by December 31st. He has no worries about this. The stages, for instance, are truck mounted with hydraulics, not like the kind used at the Indiana State Fair.

President Little stated that he was concerned about them using the White Oak Barn area, especially if we are involved in Phase II construction of the Environmental Education Center. He is also concerned about the contractor's equipment being stolen. Trustee Porter answered that this should not be a problem and a lot of the concerns are addressed in the PLA. The Executive Director also added that the contractor would work around special events, just as they did during our Dedication. They put all of their equipment in the mechanical room.

Trustee Green suggested that we add under 3B that they only use fields contiguous to their event and they are not to disturb natural areas such as prairies. The Executive Director agreed.

President Little thought that \$5 per ticket was too low. The Executive Director stated that they are committed to a minimum of \$50,000 and this may be as high as \$90,000 if 18,000 people attend over four days.

Trustee Porter added that the community would benefit from this.

President Little then suggested that the \$50,000 be placed in an escrow account before the event. The Executive Director said he would make that change.

Comments continued for the next several pages of the contract, with only typographical changes.

There was a question on Article 31, Recording. The Trustees wondered why the lease is not to be recorded, and if so, why is it that the Lessee only is able to record it. They suggested that this be changed to Lessee/Lessor and also ask our attorney why this is so. The Executive Director agreed to contact our attorney.

Note: [Attorney Gil Saikley's response: The Lessee may not wish to have the lease recorded because it then becomes public record. Details of the lease may be sensitive and made only between the Lessee and Lessor. Usually the lease would be recorded as a "memorandum" and simply be a one-page document stating only the general details. There would be no advantage to the District for them to record the lease.]

Trustee Green questioned Article 32 about Severability. The wording is quite confusing. He wondered if one part of the lease becomes null and void, does this affect the entire lease. He would like an opinion from our attorney.

Trustee Porter thinks that it means if one part of the lease is void, it would not void the entire lease.

The Executive Director stated that he would get an opinion from our attorney. Note: [Attorney Gil Saikley's response: The paragraph is OK as written. For an example, if one article of the lease stated that no minorities would be admitted, this would be a violation of the law and it would need to be changed. It would affect just that particular article, not the entire lease.]

Trustee Green next mentioned Article 34, Counterparts. What does that mean?

Trustee Porter answered that if someone would want to do something similar in the spring, it would not affect this lease.

Trustee Porter asked the Executive Director if the organizers are ready to sign the lease. He answered that they are.

Trustee Green suggested that pending typographical corrections and additional language changes, we accept the contract.

Trustee Porter therefore moved to accept the Kennekuk County Park Lease with Phases of the Moon, LLC pending typographical corrections and additional language changes. This was followed by a second from Trustee Green. All in favor, motion carried.

Item eight c: Workman's Compensation Insurance. The Executive Director explained that the specifications for the Workman's Compensation Insurance are included in the Trustees' notebooks. The new policy will go into effect January 1. Bids will be opened at the December meeting.

Trustee Green moved to approve the specifications for the Workman's Compensation Insurance. This was followed by a second from Trustee Porter. All in favor, motion carried.

Agenda item number nine was Representative Reports.

Agenda item nine a: IACD President, Jamie Pasquale, had nothing to report. The IACD has not met since the last report.

Agenda item nine b: VCCD Foundation Report. Executive Director Konsis reported that the next meeting is scheduled for Friday, December 6th at 9 a.m. in the Zack Hickman Room.

Agenda item nine c: IACD Report. The Executive Director stated that he has received the credentials for the annual meeting in Chicago; however, because of cost, we never send anyone.

Agenda item ten: There was no executive session.

Agenda item eleven a: There were no amendments to the agenda.

Agenda item twelve: Report from the Education Supervisor. The Executive Director gave the report in Gary Wilford's absence. He stated that Gary was not in attendance because his wife was having a medical procedure. Therefore, Outdoor School is finished for the fall. The archery deer hunt is progressing well. So far, 22 deer have been taken along with 3 nice bucks. This concluded the report.

Agenda item thirteen: Report from the Associate Director. The Associate Director reported that the concrete and culverts at the Lake Vermilion boat ramp is completed. Hopefully, this will handle the water from big rains. He is also doing vehicle repairs and winterizing equipment, buildings, and shutting off water. We are also switching temporary water at the White Oak Nature Center and Barn to the Education Center pump. Pheasants have also been released. We release 35 per week during the season.

This concluded the Report of the Associate Director. Trustee Porter asked if we have ever considered purchasing birds from hatcheries. They would be wilder. The Associate Director answered that he has heard of it and would look into it.

Agenda item fourteen: Report of the Executive Director. The Executive Director first reported on the progress of the Education Center. The water damage has been repaired and an environmental firm was hired to test for mold. The results showed that there was no evidence of mold.

The water system has been corrected, but we are still waiting for results of the water test. The drinking fountain in the hallway still needs to be hooked up. The front door closures still need to be installed and all exterior doors must be keyed the same. Sensors on two toilets and one sink need to be adjusted and a hand dryer needs to be replaced.

Creative Construction is sending us some cleaner to put a shine on the floors.

Fred Faulstich, of Faulstich Printing, made a \$5,000 personal donation to the Education Center today.

We received a letter from IDNR that the voucher for the OSLAD grant has been turned in and payment is expected next week.

The application for the Conservation Fund Loan has been submitted. We are in the process of submitting other material as requested.

The OSHA Lockout/Tagout procedures were accepted. Hearing tests for the Kennekuk crew have been completed for base line hearing. Earmuffs with an NRR of 30 were purchased for all staff using mowers.

We sold 727 tickets for Haunted Happenings this year. That is slightly down from last year. It was a cold night. We have no financial figures yet.

Bill Bongartz, from IPARKS Loss Control, was at Kennekuk yesterday. He spent about six hours here. He will send a report on his findings, but it sounds like there were no major issues.

The final quarterly report for the DCEO grants were submitted and approved. It was more difficult this time because all figures had to match the budgets.

The Holiday Open House is scheduled for Sunday, December 8 from 2 to 6 p.m.

The next board meeting is Wednesday, December 11 at 4:30 p.m. in the Zack Hickman Room. There will be an extensive agenda that will include approving the work comp bids, select the CPA firm, approve the VCCD 2014 User Fee schedule, set the board meeting calendar, foundation director appointments, the building rental reports, and the Enterprise Zone renewal.

This concluded the Executive Director's Report. There were no questions from the Trustees.

Agenda item fifteen: President's and Trustees' Comments.

Trustee Green had nothing to report.

Trustee Porter commented that the board did a good thing approving the festival and that it would benefit the city and us.

President Little asked if there was a Christmas party planned this year. The Executive Director answered “no”. Last year, it was privately funded and the turnout was sparse at best. Gaudio’s is also no longer available.

With no further discussion, and all business transacted, *Trustee Green moved to adjourn the meeting at 6:03 p.m. This was followed by a second from Trustee Porter. Meeting adjourned.*

Perry A. Jaynes
Secretary
V.C.C.D. Board of Trustees