

**FOREST PRESERVE DISTRICT COMMITTEE  
MINUTES  
November 15, 2005**

The DeKalb County Forest Preserve District Committee met Tuesday, November 15, 2005 at the Legislative Center Gathertorium at 6:00 p.m. In attendance were committee members, Ms. Fauci, Mr. Gudmunson, Mr. Anderson, Mr. Rosemier, and Ms. Turner. Also in attendance were Mr. Hannan, Forest Preserve Superintendent, and County Board members Mr. Denny Sands and Mr. Michael Haines. Guests attending included Mr. Al Roloff, Mr. Chris Houser, Mr. Mike Coghlan, Ms. Anita Zurbrugg, Mr. Greg Millburg, Ms. Donna Prain.

Committee member Mr. Howard Lyle was noted as absent.

**APPROVAL OF MINUTES**

Ms. Fauci began by noting that the Committee has two sets of minutes before them this evening. Due to the work on the referendum language, there was a special meeting held on November 3, 2005 as well as the regularly scheduled meeting held on October 18, 2005. She then asked if there were any corrections or additions to the minutes of the October regular meeting. Hearing no objections, Ms. Turner moved to approve the minutes of the October 18, 2005 meeting, seconded by Mr. Rosemier, and the motion passed unanimously. Ms. Fauci then asked for any corrections or additions to the November 3rd minutes. Hearing none, Mr. Anderson moved to approve the minutes of the November 3, 2005 meeting, seconded by Mr. Gudmunson, and the motion passed unanimously.

**APPROVAL OF AGENDA**

Ms. Turner moved to accept the Agenda as submitted, seconded by Mr. Anderson, and the motion passed unanimously.

**FY2006 BUDGET – PUBLIC HEARING**

Ms. Fauci began by remarking that the FY2006 budget document has been on file for general review in several locations around the County as well as on the Internet. She then asked if there were any public comments that anyone wished to make regarding the budget at this time. Hearing none, she formally closed the public hearing portion of the budget.

**FY2005 END OF YEAR BUDGET AMENDMENTS**

Ms. Fauci asked Mr. Hannan to lead the Committee through this discussion. Mr. Hannan noted that the items to be considered were included with the Committee packets and that there was only one single change from the prior month. The Natural Resources Education Center expenses were removed as they have since received revenues sufficient to meet their expenses. He further noted that \$2,000.00 was added to the Potawatomi Woods development which would be covered by donations and grants.

Ms. Fauci then called for any questions from the Committee on the budget amendments. Mr. Anderson commented that \$100,000 was to be put toward the loan and asked what balance that would leave from the wetlands mitigation money currently in the Wetlands Bank Reserve.

Mr. Hannan replied that he did not have the exact dollar amount with him this evening, but that there would be sufficient funds available at this time next year to pay off the full balance of the loan without incurring additional interest expenses as well as leaving a sufficient balance for construction, maintenance, and other items.

Mr. Anderson asked what Mr. Hannan anticipated the balance to be in the bank prior to the full payoff of the loan. Mr. Hannan responded that it should be approximately \$70,000, but that he would get back to Mr. Anderson with an exact figure. Mr. Anderson then asked if there were any

additional wetlands mitigation items coming about. Mr. Hannan noted that they would be discussing pending mitigation in the General Discussion portion of the meeting.

Ms. Fauci asked if there was any additional discussion regarding the budget transfers. Hearing none, Mr. Rosemier moved to approve the budget amendments, seconded by Mr. Gudmunson and the motion passed unanimously.

## **PUBLIC AND FOREST PRESERVE COMMISSION OPEN FORUM FOR REFERENDUM DISCUSSION**

Ms. Fauci began by noting that the following would be an informational forum and not a formal Public Hearing on the Open Space Referendum. As to the format, she commented that Mr. Hannan had prepared a PowerPoint presentation to present a general overview of the issue as well as to address any questions, rumors or concerns on the topic. Following the presentation, the floor will be open to the citizen's group that brought the issue of a referendum for Open Space to the Committee. The forum will then end with time for additional comments by the public, Board members in attendance and Committee members.

Mr. Hannan then proceeded with the Powerpoint presentation, noting that in general it will present where the Forest Preserve District is today and then the proposed additional land acquisition and maintenance enhancements that could be made possible by the Referendum.

Presently the Forest Preserve District offers a wide variety of quality of life benefits close to home. There are 14 forest preserves, covering 1100 acres of the County open throughout the year. Aside from the aesthetic benefits of the preserves, the areas also provide assistance in mitigating soil erosion and natural water filtration and cleaning mechanisms. Soil and water management are critical components to maintaining the rich farming traditions of the County.

He also noted that while the preserves offer a wide array of recreational activities, equally important are the educational services and opportunities provided to adults and children on forest restoration, preservation and management as well as the identification and removal of invasive species.

He further commented that aside from the diverse maintenance activities performed by the Forest Preserve staff, the District also enjoys a very strong and active volunteer group. Mr. Hannan closed by noting that the District has been very fortunate to receive grants, donations and develop partnerships to provide additional support for their activities.

Mr. Hannan then reviewed the monetary component of the referendum issue. Currently a \$175,000 home in the area contributes about 1/3 of 1% of their total tax bill or roughly \$15 annually to the Forest Preserve District, with cropland contributing approximately \$.06 per acre. He commented that the dollars received are far offset by the value of the benefits received by the Community both intrinsically as well as in more concrete ways, such as the fact that homes and businesses tend to have a greater value in areas with attractive parks, conservation areas and the like. The proposed referendum would ask voters to approve an increase in that annual contribution amount to roughly \$30 annually for the \$175,000 home and approximately \$.11 per acre of cropland.

Mr. Hannan closed by providing some sample referendum language (highlighting the requirement that any land acquisition be by negotiation with willing sellers and not through condemnation or the utilization of eminent domain) and noted that the issue of whether to place the referendum on the March ballot has been sent to the County Board Forest Preserve Commissioners for their consideration.

Mr. Rosemier and Mr. Hannan then discussed the mathematical complexity of the current rate structure and the maximum limits, but closed by noting that the proposal is simply an increase of 1/3 of 1% of the overall tax bill.

Mr. Hannan then went on to comment that if the referendum were approved, it would be the intention of the District to utilize 90% of the additional funds for land acquisition and 10% for maintenance and improvements to the existing land and structures and any future needs. He further commented that the Forest Preserve has currently had some contact with a small group of willing sellers and has viable land acquisition opportunities that follow Forest Preserve priorities of land adjacent to existing preserves, land along rivers and streams, and land with natural resource value.. Given the steeply rising land values of the area, it would seem prudent to make these land investments now to hold down future costs.

Mr. Hannan commented that the District has currently identified three willing sellers offering the potential of 300 acres in the northern part of the County as well as an additional individual in the southern part of the County with 100 acres. The owners of these lands have asked to remain anonymous at this time, but Mr. Hannan noted that all have demonstrated a strong land conservation ethic in his conversations with them. Some of the land offered might be utilized for greenways or trails and some could continue to be dedicated to farm preservation with the lands continuing to be farmed in a conservation and wildlife practice way. If this were done, the farm land could also potentially remain on the tax rolls and therefore generate few abatements or general land improvement costs.

He commented that it is fairly obvious that growth is changing the landscape rapidly and the County is facing several challenges as land use radically changes. The County Board, over the past several years, has given very clear direction as to its desire to secure the open and rural character of the County and to encourage the preservation of land for the future. The District has crafted its proposals to work in sync with the Boards' vision and direction.

Mr. Hannan then discussed the citizens groups that had come forward to encourage the District to consider a referendum. He noted that two group in particular, the Neighbors for Open Space, Clean Air and Water and the Greenways and Trails Coalition were very active and supportive in identifying the future priorities regarding land acquisition and needs.

Mr. Hannan closed by showing a report comparing forest preserve land holdings in DeKalb to other neighboring Counties which showed DeKalb to be last on the list of Counties with access to and ownership of open space. He commented that several of the Counties were, however, paying premium prices for those acquisitions given that they had not begun the process until after land prices had escalated steeply.

Ms. Fauci then opened the floor to comments from the citizens in the audience. The first speaker was resident Donna Prain.

Ms. Prain began by commenting that she was a longtime resident of the County. She noted that while teaching biology at NIU she had repeatedly observed in her studies of ecology that humanity carries the same basic needs as the other species of the planet. One of the most critical of those needs is water and the maintenance of a strong groundwater supply. She further noted that the flipside of that is the need to take a more global view to the problems that flooding causes to the communities. It is neither efficient nor desirable for each community to take an isolated stance on managing its flood issues. She noted that two of the counties listed at the top of the public lands list had suffered greatly from flooding problems, yet had also nearly missed their opportunities as their available land was being rapidly taken up by development. In the end, these counties often had to resort to seizing land through eminent domain, rather than the more palatable practice of working with willing sellers. She closed by commenting that it is critical that the County prepare now for the future.

Ms. Fauci responded that the Committee had recognized the unfortunate land seizure situations that had occurred in some other counties and felt strongly that the "no condemnation" clause in

the referendum resolution language was critical to helping avoid those situations. She then recognized Mr. Al Roloff.

Mr. Roloff noted that he was a 30 year resident of the County and of the city of Sycamore as well as a 15 year employee of the Elburn Postal Service. He asked the Committee members if they recalled a structure near Elburn called Albert's Corner that was a rural marker for the area. Rapid growth in the area has eliminated many of these old familiar landmarks. He also commented that this rapid growth has necessitated a recent \$70 million dollar Forest Preserve bond issue in Kane County to pay what are now exorbitant land costs to acquire open space. He reiterated that it would be much wiser to acquire land now rather than face what Kane is dealing with. To put this in perspective, the additional costs to the average household would amount to the same cost as a tube of toothpaste per month to gain such a wide array of natural resources. He closed by noting that the Board should let the voters decide if protecting this land and using this approach for smart growth management is worth it.

Ms. Fauci then recognized Ms. Anita Zurbrugg.

Ms. Zurbrugg opened by stating that she is a farm owner in the southwest part of the County and serves as an attorney to the American Farmland Trust. She noted that the Trust is the only national not-for-profit organization working to preserve farmland. She commented that DeKalb is often cited by the organization as an example of a County that is proactive about preserving their farmland and agricultural heritage. Many of the local officials have worked very hard to develop thoughtful comprehensive plans and growth management approaches to protect and preserve natural lands and forest areas. However, private and commercial investments will be the primary drivers of residential and commercial growth and investment. She noted that the referendum is a wiser choice than converting existing plans to protect and delineate land to the Forest Preserves or other entities. This has been mostly dealt with through grants and private donations. However, finding alternative funding sources is growing more difficult and the Forest Preserve cannot simply "tighten their belt" by reducing their current budget. Concurrently, the County does not have the discretionary funds available to purchase these additional lands. Up to this point it has been the responsibility of the County to set aside these lands, though the farming community has traditionally donated land as well. She concluded that our generation has a responsibility to continue this tradition of support for the Forest Preserve. It is imperative that the County Board be responsible and proactive in allowing the voters to make a conscious decision to dedicate tax dollars to continue this tradition of support.

Ms. Fauci then recognized Mr. Mike Coghlan.

Mr. Coghlan introduced himself as a private attorney in the Sycamore. He noted that he is also the attorney for the DeKalb County Building and Development Association, but stressed that he was speaking tonight as a private citizen and not on behalf of that organization. He indicated to the Committee that his comments would have three points, #1-money, #2-money and #3-money.

He commented that he had worked in Kane County for five years and remembered when he could look out the windows at the Judicial center and see corn fields surrounding the building. He noted that a drive by the building today would demonstrate how much has changed. He had also served as the attorney for the Kane County Board chair as well as their preservation district and was involved in wetlands preservation and the acquisition of trails and greenways area in that County. He commented that he had learned certain things from these experiences. Point #1, in terms of dollars, it is much easier and cheaper to make these purchases now rather than five to ten years down the road. He observed that a study of the recent future land use maps developed by the municipalities demonstrates that growth opportunities have been identified and will happen. However, developers and the home builders recognize the value of Forest Preserve lands and acquisitions to increase the sales of their residential and commercial developments. Point #2, open space and green areas are a proven sales point and advantage for the community. As to point #3, he stated that this referendum should not be viewed as a tax, but

rather as an investment for the future, and a very reasonable and attractive investment that will help property values to appreciate as well as the community overall. Again, he noted, this is an investment, not a consumable.

Mr. Michael Haines commented that he hoped the citizens that had spoken this evening would make a point of attending the County Board meeting tomorrow evening and sharing these thoughts with them as well.

Ms. Fauci recognized Mr. Chris Houser.

Mr. Houser opened by stating that he is a three year resident of the community and the proud father of a 1 week old baby. For all the very good reasons he had heard this evening regarding planning, money and the like, he voiced his support for the placement of the referendum on the March ballot. However, he added that the most critical element to him as a new father was the notion of leaving a legacy for future generations. He closed by commenting that he believed his neighbors would also be supportive of this and would also see the many benefits for their children.

Ms. Fauci asked if any of the Committee members or Board members in attendance wished to make comments at this time. Hearing none, she thanked the citizens for their comments and reminded everyone that this issue would be before the County Board at 7:30 p.m. tomorrow and encouraged everyone to attend.

#### **GENERAL DISCUSSION AND MONTHLY REPORTS**

Mr. Hannan began by noting that all monthly reports would be attached to the minutes for review. He commented that there was a recent volunteer day held at Potawatomi Woods. 25 volunteers attended and over 175 plantings were accomplished. The Forest Preserve staff continues daily maintenance and is currently working on completion of an observation deck and will start construction on the shelter house soon at Potawatomi Woods.

Mr. Hannan then reported that the Forest Preserve had received a \$700 donation from an anonymous donor in Genoa who asked that the money be earmarked for the Natural Resources Education Center in Russell Woods. He then closed his report by noting that the final pending wetlands mitigation has been finalized for \$34,000. Ms. Turner asked if that money was included in Mr. Hannan's earlier comment of a \$70,000 bank balance or was on top of that. Mr. Hannan replied that it would be a part of the \$70,000 figure.

Ms Fauci asked if there were any additional comments or questions. Ms. Turner reported that there were no further items pending regarding the wetlands bank.

#### **COMMITTEE MEMBERS DISCUSSION**

Mr. Rosemier returned discussion to the referendum issue and noted that the Committee had several discussions regarding the placement of a sunset provision into the ballot language. He stated that he felt it was critical to alert the voters to the Committee's desire to place some sort of limitation on the tax burden. He acknowledged that the legal advice they had received to date had stated strongly that a sunset provision could not be placed into the actual ballot language, but asked if a statement noting a specific timeframe could be considered. He then proposed that the statement, "this tax levy is for a 10 year period" be discussed.

Ms. Fauci replied that the attorney they had contacted had been extremely clear that the Property Code did not appear to support the inclusion of any language that could be construed to tie the hands of a future Board. However, she noted that she would contact the attorney again if the Committee so desired.

Ms. Fauci asked Mr. Turner, a local attorney, from the audience if he would comment on the sunset issue. Mr. Turner noted that he had reviewed this and feels strongly that the legal advice

received was correct and that state law would preclude placing any sunset language on the ballot. The basic issue lies in the fact that there would be no legal support for binding a future Board with the provision. In essence you cannot then tell the voter that it would be binding if it could not be.

Mr. Rosemier commented that no action taken by a current Board is binding to a future Board, as any future Board can always take a revision back to the voters. Mr. Sands clarified that any changes to the levy would have to be taken back to the voters. Mr. Rosemier closed by noting that since it is the case that the requested percentage could be lowered by future voters, why is anyone worrying about the sunset provision?

Mr. Haines responded that it was the feeling of the citizens group that placing a sunset provision in the language would increase the desirability of the proposal to the voters. However, since the attorney's advice is that it can't be done, the group considers this a dead issue.

#### **EXECUTIVE SESSION: LAND ACQUISITION**

Before requesting a motion to proceed to Executive Session, Ms. Fauci explained the purpose of the Executive Session request. She noted that some of the Committee members wished to hold more detailed discussions regarding the properties and willing sellers identified by the Forest Preserve District. However, since these individuals had requested anonymity, the discussions would have to be held in this manner. She assured the audience that no substantive decisions would be made during this session. She closed by noting to the Committee that if they no longer wished to move to Executive Session, they could also do so.

Mr. Anderson moved to proceed to Executive Session, seconded by Mr. Rosemier and the motion passed unanimously on a roll call vote with five members voting in the affirmative.

Mr. Rosemier moved to return to open session, seconded by Mr. Anderson and the motion passed unanimously on a roll call vote with five members voting in the affirmative.

Mr. Anderson moved to adjourn, seconded by Ms. Turner and the motion passed unanimously.

Attached are monthly reports and Forest Preserve activities.

Respectfully submitted,

Julia Fauci, Chairperson  
Forest Preserve District Committee

JF:kjr