

Minutes of the Board of Trustees of the Fox River Water Reclamation District held on Monday, May 18, 2020 at the Administration Building at 1957 North LaFox, South Elgin, Illinois. **Due to the Governor's Stay Home orders this meeting took place by Teleconference.** Present in the office was President Bruce Corn. Vice President Benjamin Bernal, Clerk/Treasurer Gary Hyman, Trustee Steve Rauschenberger, and Trustee Marty McCormack were present via teleconference.

Staff present in the office included Executive Director Bob Trueblood, Technical Services Director Beth Vogt, and Attorney Doug Scheflow. Assistant Clerk Kim Narvaiz was present via teleconference.

President Corn called the meeting to order at 9:00 A.M.

ELECTION OF OFFICERS FY 2021 BOARD OF TRUSTEES

Trustee Bernal made a motion, seconded by Trustee McCormack, that the officers of the Board of Trustees of the Fox River Water Reclamation District be elected as follows: Bruce R. Corn, President; Benjamin P. Bernal, Vice President; Gary Hyman, Clerk-Treasurer. Ayes, Trustees Corn, Bernal, Hyman, Rauschenberger and McCormack. Nays, none.

APPOINTMENT OF TRUSTEES FY 2021 BOARD OF LOCAL IMPROVEMENTS

Trustee Hyman made a motion, seconded by Trustee Bernal, to elect the Board of Trustees of the Fox River Water Reclamation District to serve as the Board of Local Improvement: Bruce R. Corn, Benjamin P. Bernal, Gary Hyman, Steven J. Rauschenberger and Martin McCormack. Ayes, Trustees Corn, Bernal, Hyman, Rauschenberger and McCormack. Nays, none.

ASSISTANT CLERK

Trustee McCormack made a motion, seconded by Trustee Bernal, to reappoint Kim Narvaiz as Assistant Clerk for the Board of Trustees. Ayes, Trustees Corn, Bernal, Hyman, Rauschenberger and McCormack. Nays, none.

ATTORNEY

Trustee Rauschenberger made a motion, seconded by Trustee Corn, to reappoint Doug Scheflow as Attorney for the Board of Trustees. Ayes, Trustees Corn, Bernal, Hyman, Rauschenberger and McCormack. Nays, none.

RECESS

Trustee McCormack made a motion, seconded by Trustee Hyman, to recess the Board of Trustees meeting at 9:04 A.M. and enter into the Board of Local Improvements meeting. Ayes, Trustees Corn, Bernal, Hyman, Rauschenberger and McCormack. Nays, none.

RECONVENE

Trustee Bernal made a motion, seconded by Trustee Hyman, to reconvene the Board of Trustees meeting at 9:11 A.M. Ayes, Trustees Corn, Bernal, Hyman, Rauschenberger and McCormack. Nays, none.

APPROVAL OF APRIL 27, 2020 BOARD OF TRUSTEES MINUTES

Trustee McCormack made a motion, seconded by Trustee Corn, to approve the minutes of the April 27, 2020 Board of Trustees as written. Ayes, Trustees Corn, Bernal, Hyman, Rauschenberger, McCormack. Nays, none.

PUBLIC COMMENT

None

APPROVAL OF CASH DISBURSEMENTS

President Corn read aloud the cash disbursement totals per fund. Disbursements for the Sewer Revenue Fund \$963,711.70, Capital Improvement \$2,996,856.61, Depreciation & Replacement \$894,879.39 and Corporate Fund \$200,174.77.

Trustee Hyman made a motion, seconded by Trustee McCormack, to approve the Cash Disbursements as presented. Ayes, Trustees Corn, Bernal, Hyman, Rauschenberger and McCormack. Nays, none.

REVIEW OF CONNECTION PERMITS

Technical Services Director Vogt reported that staff issued three Commercial, one Industrial, one Public Building, and one Single Family permit in between meetings. Approximately \$7,000 was collected at this time in connection permit fees in addition to the previously collected service fees.

Trustee Bernal made a motion, seconded by Trustee Hyman, to approve the Connection Permits as issued. Ayes, Trustees Corn, Bernal, Hyman, Rauschenberger and McCormack. Nays, none.

REVIEW OF CONTRACTS AND PURCHASE ORDERS

Executive Director Trueblood reported that there were three purchase orders over \$10,000 issued in-between meetings. The first was to Gasvoda & Associates, Inc. for two COD probes that were approved by the Board for purchase at the last Board of Trustees meeting. The second purchase order was to Benchmark Sales & Service for Pump Station 32 repairs. ED Trueblood continued that the repairs were completed right before all the heavy rain, which is a great test. The third purchase order was to Perkin Elmer Health Sciences, Inc. for an annual lab equipment service contract.

FOIA REQUESTS

None

OLD BUSINESS

None

NEW BUSINESS

MOTION TO APPROVE CHANGE ORDER NO. 6 TO JOSEPH J. HENDERSON AND SON INC. ON THE ADP WRF ANAEROBIC DIGESTION IMPROVEMENTS PROJECT

Trustee Rauschenberger made a motion, seconded by Trustee McCormack, to authorize Executive Director Trueblood to execute Change Order No. 6 to Joseph J. Henderson and Son Inc. for the ADP WRF Anaerobic Digestion Improvements Project. Executive Director Trueblood commented that he would like to note that this change order is a price reduction, the project was estimated to cost \$11 million and the final cost will be closer to \$8 million. Technical Services Director Vogt commented that reduction include liquidated damages assessed to the contractor for delay in achieving completion of the project.

There were no questions; President Corn called for a vote. Ayes, Trustees Corn, Bernal, Hyman, Rauschenberger and McCormack. Nays, none.

MOTION TO APPROVE COST PROPOSAL NO. 3 FROM IHC CONSTRUCTION COMPANIES ON THE ADP WRF PHOSPHOROUS REMOVAL – STRUVITE FACILITIES PROJECT

Trustee McCormack made a motion, seconded by Trustee Corn, to approve Cost Proposal No. 3 from IHC Construction Companies on the ADP WRF Phosphorous Removal – Struvite Facilities Project. Technical Services Director Vogt commented that the need for this change order was discovered during a planned electrical shut down to investigate the condition of the electrical

connection points for the new equipment. During the shutdown, it was found that the electrical breakers shown on the drawings as spare were no longer available for use.

There were no questions; President Corn called for a vote. Ayes, Trustees Corn, Hyman, Bernal, Rauschenberger and McCormack. Nays, none.

MOTION TO APPROVE COST PROPOSAL NO. 2 TO JOSEPH J HENDERSON AND SON, INC. ON THE NORTH WRF PHOSPHOROUS REMOVAL PROJECT

Trustee Hyman made a motion, seconded by Trustee McCormack, approve Cost Proposal Request No. 2 to Joseph J Henderson and Son, Inc. on the North WRF Phosphorous Removal Project.

There were no questions; President Corn called for a vote. Ayes, Trustees Corn, Hyman, Bernal, Rauschenberger and McCormack. Nays, none.

MOTION TO APPROVE COST PROPOSAL NO. 5 TO JOSEPH J HENDERSON AND SON, INC. ON THE NORTH WRF PHOSPHOROUS REMOVAL PROJECT

Trustee Hyman made a motion, seconded by Trustee McCormack, to approve Cost Proposal No. 5 to Joseph J Henderson and Son, Inc. on the North WRF Phosphorous Removal Project. Technical Services Director commented that this change order will eliminate any District responsibility for the work and place all the controls with the blower installation.

There were no questions; President Corn called for a vote. Ayes, Trustees Corn, Hyman, Bernal, Rauschenberger and McCormack. Nays, none.

MOTION TO APPROVE COST PROPOSAL NO. 9 TO JOSEPH J HENDERSON AND SON, INC. ON THE NORTH WRF PHOSPHOROUS REMOVAL PROJECT

Trustee McCormack made a motion, seconded by Trustee Hyman, to approve Cost Proposal No. 9 to Joseph J Henderson and Son, Inc. on the North WRF Phosphorous Removal Project. Technical Services Vogt commented that the design documents did not reflect the District's operational concept for utilizing a standalone control panel and screen for each process unit to allow operations staff to have local controls of process systems. The current design did not include a local operator interface panel near the basins. Trustee Rauschenberger asked how something like this gets missed in the original design. TSD Vogt explained that different Districts have varying standards and not all would require local control. Since this facility is very distant from the SCADA controls, it is important for us to be able to control the equipment locally.

There were no further questions; President Corn called for a vote. Ayes, Trustees Corn, Hyman, Bernal, Rauschenberger and McCormack. Nays, none.

DISCUSSION ONLY- SERVICE/CONNECTION FEE WAIVERS

Technical Services Director Vogt provided some background for the Trustees on the topic. In April of 2017, the Board of Trustees passed Ordinance 886 which phased out waivers of connection and service fees for “Public Uses” over two years providing for no further waivers starting in January 2020 with some exceptions. Previous to Ordinance 886, public uses that could receive waivers of fees was very broad and included any not-for-profit entities. Often waivers were given to religious institutions, hospitals, colleges such as Judson and ECC, school districts, as well as other government agencies. The discussion focused on any need for further clarification of what “Public Uses” are still eligible for waivers of connection and service fees.

Trustee Bernal asked what Attorney Scheflow’s concerns are with the current ordinance in place. Attorney Scheflow commented that Ordinance 886 phased out non-profit waivers and also other public uses except for inter-governmental agreements. Attorney Scheflow continued that he would like to clear up any confusion on where waivers are still possible, for example fire stations or school districts. Trustee Bernal commented that he thinks the current Ordinance is the right direction and we should not move back to allowing more waivers. Attorney Scheflow commented that waivers should still be reviewed on a case by case situation. Trustee Hyman commented that he does not want to see waivers being given to businesses again and then a rate increase to the residents gets passed. Trustee Rauschenberger commented that if a government or business entity is inside the District boundaries, the board can still decide to give a waiver. Executive Director commented that if a business wanted to request a waiver, they should be required to come in and talk to the Board and explain why a waiver is appropriate. It should not be an automatic process. Further discussion on the topic ensued. ED Trueblood wrapped up conversations stating that this is nothing pressing that the Board needs to make changes on right now, but possibly discuss further when Board members are all meeting face to face.

TECHNICAL SERVICES REPORT

Technical Services Director Vogt reported the current Heroes Act bill from the House of Representatives contains a couple of provisions that would impact wastewater agencies. It extends provisions to prevent shutoff of water services through the public health emergency, provides \$1.5 billion for grants to states for low income consumers to assist with payment of water and wastewater bills, and prohibits assessment of late fees for nonpayment during the emergency. Also DCEO has released a new NOFO of funding for Fast Track Public Infrastructure. The allocation is \$25,000,000 and sanitary districts are allowed to apply directly for their projects. Staff is looking into whether existing projects underway are eligible for funding.

Lastly, TSD Vogt reported that the City of Elgin has had to cut projects due to the Covid-19 pandemic and one of the projects included in that list is the backflow preventers in the CSOs to stop the river from flowing into the interceptors in the downtown area causing increased flow to the District and loss of revenues. TSD Vogt continued that although the project is extremely important to us, it has no direct effect on the City of Elgin and therefore they have little motivation to complete the project. Executive Director commented that this delay in the project is not acceptable, they have known there have been problems since the promenade was completed and they are doing nothing to fix the issue. Trustee Rauschenberger asked what the estimated cost of the project would

be. ED Trueblood commented that the total cost would be around \$400,000, however every year it is not fixed costs the District around \$500,000. Trustee Bernal suggested a letter be drafted to citizens to make them aware of the problems. ED Trueblood commented that Operations Manager Haacker does have it set up with a temporary solution, but it involves confined space entries and sand bagging. ED Trueblood continued he is going to following up with Erik Weiss at the City of Elgin to discuss the District's frustration with the delay in this project.

STAFF REPORT OF ONGOING STUDY, DESIGN AND CONSTRUCTION PROJECTS

Technical Services Director Vogt provided a written update on all projects. TSD Vogt commented that there are some delays with equipment due to Covid-19 but that fieldwork is continuing. The Digester project will finally be complete, and staff, along with Strand, are preparing the required IEPA loan closeout documents. Phosphorus Removal at the North plant is moving along. Contractors have discovered multiple instances of existing piping not being as shown on the record drawings, thereby causing conflicts with the proposed facilities. Staff is expecting a change order to address these issues.

Contractors have started to move onsite to begin the Liquid Phosphorus Removal project at the ADP Facility. Lastly, the Blower Replacement project contract documents are being signed and soon staff will set up a meeting to move this project along. All the blowers are in Atlas Copco's facility and ready to ship when the contractor is ready for them.

EXECUTIVE DIRECTOR'S REPORT

Executive Director Trueblood reported that he is very pleased with staff's attitude and work performance during the Covid- 19 pandemic. All maintenance and operations staff are back to a full 40 hour work weeks. All employees are required to wear masks when closer than 6 feet to another individual. Staff does need to have some discussion with contractors to ensure they are following our rules regarding wearing a mask when on District property and interacting with District employees. At this time staff's plan is to not fill vacant positions, which will results in over 14% reduction in salary cost to help offset any revenue losses cause by the pandemic.

ED Trueblood continued that the Board might have noticed the Depreciation and Replacement Fund transfer was significantly higher this month. This will be the new monthly transfer amount in order to fully fund the anticipated D&R expenses for the full year. In the past, a lower amount was transferred each month, and then a large true-up would be calculated at the end of the fiscal year to transfer the remaining amount needed. ED Trueblood also reported that he intends to bring the Investment Policy to the next meeting for Board approval on some updates that are needed.

ATTORNEY'S REPORT

Attorney Schefflow provided copies of his April 30th invoice detailing services rendered for the month. Board Members had no questions or comments.

May 18, 2020

ADJOURN

As there was no additional business, Trustee McCormack made a motion, seconded by Trustee Bernal, to adjourn the meeting at 10:21 A.M. The next meeting is scheduled for 9:00 A.M. Monday, June 15, 2020. Ayes, Trustees Corn, Bernal, Hyman, Rauschenberger and McCormack. Nays, none.

Respectfully Submitted

Kim Narvaiz, Assistant Clerk

APPROVED:

Bruce R. Corn, President

Gary Hyman, Clerk-Treasurer