

Minutes of the regular meeting of the Board of Local Improvements of the Fox River Water Reclamation District held on Monday, May 24, 2021 at the Administration Building at 1957 North LaFox, South Elgin, Illinois. **Due to the ongoing Covid-19 pandemic, this meeting was conducted via Zoom video and audio conference as permitted pursuant to section 7 of the Open Meetings Act.** Audio of the meeting was recorded. Present in the office were President Benjamin Bernal, Vice President Bruce Corn, Trustee Gary Hyman and Trustee Steve Rauschenberger. Trustee Marty McCormack was present via zoom.

Others present in the office included Executive Director Bob Trueblood, Technical Services Director Beth Vogt and Attorney Michael Airdo. Attorney Doug Scheflow was present via Zoom.

President Bernal called the meeting to order at 9:06 A.M.

ELECTION OF BOARD OF LOCAL IMPROVEMENTS OFFICERS FOR FY 2021/2022

Trustee McCormack made a motion, seconded by Trustee Corn, to elect Benjamin Bernal as President, Bruce Corn as Vice President, and Gary Hyman as Clerk-Treasurer to the Board of Local Improvements for fiscal year 2022. There were no comments; President Bernal called for a Roll Call vote. Trustees Bernal: Aye, Corn: Aye, Hyman: Aye, McCormack: Aye, Rauschenberger: Aye.

APPOINTMENTS FY 2020/2021 BOARD OF LOCAL IMPROVEMENTS

ASSISTANT CLERK

Trustee Rauschenberger made a motion, seconded by Trustee McCormack, to reappoint Kim Narvaiz as Assistant Clerk for the Board of Local Improvements for fiscal year 2022. President Bernal called for a Roll Call vote. Trustees Bernal: Aye, Corn: Aye, Hyman: Aye, McCormack: Aye, Rauschenberger: Aye.

ATTORNEY

Trustee Bernal made a motion, seconded by Trustee Rauschenberger, to appoint Kopon Airdo, LLC represented by Michael Airdo as Attorney for the Board of Local Improvements for fiscal year 2022. President Bernal called for a Roll Call vote. Trustees Bernal: Aye, Corn: Aye, Hyman: Aye, McCormack: Aye, Rauschenberger: Aye.

APPROVAL OF APRIL 26, 2021 BOARD OF LOCAL IMPROVEMENT MINUTES

Trustee Hyman made a motion, seconded by Trustee Rauschenberger, to approve the minutes of the April 26, 2021 Board of Local Improvements as written. There were no comments; President Bernal called for a Roll Call vote. Trustees Bernal: Aye, Corn: Aye, Hyman: Aye, McCormack: Aye, Rauschenberger: Aye.

PUBLIC COMMENT

None

OLD BUSINESS

None

NEW BUSINESS

**MOTION TO APPROVE STAFF RECOMMENDATION TO DENY REQUEST FOR
66% WAIVER OF THE SERVICE FEES FOR CHRIST COMMUNITY CHURCH,
37W100 BOLCUM ROAD, ST. CHARLES, ILLINOIS**

Trustee Hyman made a motion, seconded by Trustee Bernal, to approve staff's recommendation to deny the request for a 66% waiver of the service fees for Christ Community Church, 37W100 Bolcum Road, St. Charles, Illinois.

Representatives for Christ Community Church (CCC) were in attendance both in person and via zoom. Representatives attending in person included: Dan Walter, Scott Marquardt, and Larry Breeden. Attorney Gary Vanek attended via zoom. President Bernal asked staff to present the reasoning for recommending the request for waiver be denied prior to hearing from those in attendance.

Technical Services Director (TSD) Vogt reviewed the conditions in the Ordinance 886 for granting a waiver of service fees after January 1, 2020. Those conditions provide for the existence of a conservation easement, a governmental use, or a reciprocal agreement with respect to waiving fees with FRWRD. As CCC's request for waiver does not fit into any of the three criteria, the ordinance does not allow for granting the waiver requested. TSD Vogt further explained that the basis CCC was asserting was that the projected wastewater discharge by the facility was considerably less than that allowed in annexing the 25.86 acres. However, staff reiterated that the ordinance provides for a maximum capacity per acre for annexation and was not intended to look at each parcel's projected capacity need to establish the fee for each project. Staff's understanding of how the service fees were set was based on looking at the FRWRD potential development area, expected mix of development, and future capital improvement costs to determine a fee per acre for commercial and a fee per unit for residential.

President Bernal asked the representatives from CCC to go ahead with presenting information in support of their request. Mr. Walter indicated that he understands staff's logic for recommending the waiver request be denied. However, he indicated that CCC had started having internal discussions about getting off of well and septic back in 2018. They have had a flow study performed and their average discharge is approximately 26 PE, with their peak discharge rate limited by the Village of South Elgin at 75 PE due to the capacity of the existing pump station. CCC will be installing a holding tank to make sure they do not exceed the pump

station capacity on heavy usage days. CCC is looking for some relief from the \$232,000 in service fees and at a 66% waiver they would still pay \$79,000.

President Bernal asked if they knew where their attendees are from. Mr. Breeden indicated they did a study and approximately 50% are from north of the Church and 50% are from south of the Church, with the majority residing within 7-10 miles. President Bernal further asked when they started the process. Mr. Walter indicated that they discussed it internally in 2018 and then brought HR Green under contract in 2019 to begin evaluate alternatives and design.

Executive Director (ED) Trueblood asked if they will resume national speakers once the COVID-19 restrictions are lifted and if CCC pays property taxes. The representatives indicated that yes they would have speakers as the opportunities present themselves and that no they do not pay property taxes.

Trustee Rauschenberger asked if they were required to get onto public water and sewer. The answer was no, it was their choice to get off of well and septic. Mr. Marquardt of HR Green explained that they had looked at water use data from pre-COVID starting in December 2019 and the long term capacity need is approximately 26 PE. The study showed they would have peak discharges that are higher than the 75 PE allowed by the Village of South Elgin and thus are providing for a storage tank in the project's design. Trustee Hyman asked what would happen if equipment associated with the storage tank stopped working? Mr. Marquardt indicated that they then would have to make the repairs prior to being able to transfer the wastewater to the pump station. He reiterated that the 75 PE peak limit was imposed by the Village.

ED Trueblood asked why they were requesting a 66% waiver when the last year of waivers allowed for 33%? They responded that CCC is projected to only use 8% of the capacity allowed so asking to pay 34% of the fee seemed fair. ED Trueblood also explained the expected expansion of the West WRF within 5 years at an expected cost of \$20-\$30 million. TSD Vogt added that the Board might want to consider what precedent would be set by using this PE approach in granting a waiver outside of the ordinance criteria.

Trustee Rauschenberger asked if in general FRWRD wants existing properties to connect to public sewer and eliminate septic systems. He further added that an existing facility would seem to be different than a new warehouse property. ED Trueblood concurred that it is generally required by Kane County to connect if a property is going to develop within a certain distance of public utilities. However, properties with existing septic systems are not required to eliminate them as long as they are working properly.

President Bernal indicated that he would like a legal opinion related to this waiver request and the ordinance requirements.

Trustee Hyman made a motion to table the request for waiver to a subsequent meeting to allow for further review. Trustee Corn seconded the motion. President Bernal called for a Roll Call vote. Trustees Bernal: Aye, Corn: Aye, Hyman: Aye, McCormack: Aye, Rauschenberger: Aye. The motion to table this matter carried.

TECHNICAL SERVICES DIRECTOR'S REPORT

TSD Vogt gave an update on select development projects, including:

- The Middle Street Pump Station has been completed and the 18 month guarantee from Bluff City for the work as been finalized and received by staff. Final steps include transferring ownership of the property and pump station to FRWRD via a closing and establishing an agreement for Bluff City to recapture costs related to building the station from other tributary properties.
- Kenyon Farms subdivision is planned for development by Wyndham Homes, LLC. A service agreement will need to be developed and approved by the Board of Trustees for this project to receive wastewater treatment services from FRWRD as it is not contiguous for annexation at this time. Staff has received plans for the subdivision but has not seen a service agreement draft to date.
- Becketts Landing Subdivision – Staff has received a concept plan for the signed to include 178 townhomes and 170 single family homes. The site will need to be annexed to FRWRD for service and is contiguous. An annexation submittal is expected later in the summer.

ADJOURN

As there was no additional business, Trustee Hyman made a motion, seconded by Trustee Rauschenberger, to adjourn the meeting at 9:51 A.M. The next meeting is scheduled for 9:00 A.M. Monday, June 21, 2021. President Bernal called for a Roll Call vote. Trustees Bernal: Aye, Corn: Aye, Hyman: Aye, McCormack: Aye, Rauschenberger: Aye.

Respectfully Submitted

Beth Vogt, Technical Services Director

APPROVED:

Benjamin Bernal, President

Gary Hyman, Clerk-Treasurer