

Minutes of the regular meeting of the Board of Trustees of the Fox River Water Reclamation District held on Monday, September 20, 2021 at the Administration Building at 1957 North LaFox, South Elgin, Illinois. **Due to the Governor's Tier II Covid-19 restrictions which limits meeting size to 10 or fewer people, this meeting was conducted via Zoom video and audio conference.** Audio of the meeting was recorded. Present in the office were President Benjamin Bernal, Vice President Bruce Corn, and Trustee Marty McCormack. Present via Zoom were Trustee Rauschenberger and Trustee Hyman.

Staff present included Executive Director Bob Trueblood, Technical Services Director Beth Vogt, Assistant Clerk Kim Narvaiz. Both Attorney Doug Schefflow and Attorney Michael Airdo were present via Zoom.

President Bernal called the meeting to order at 9:13 A.M.

APPROVAL OF AUGUST 20 2021 BOARD OF TRUSTEES MINUTES

Trustee McCormack made a motion, seconded by Trustee Rauschenberger, to approve the minutes of the August 20 2021 Board of Trustees as written.

There was no discussion; President Bernal called for a Roll Call vote. Trustees Corn: Aye, Bernal: Aye, Rauschenberger: Aye, McCormack: Aye, Hyman: Aye.

PUBLIC COMMENT

Randy Hopps addressed the Board suggesting that Board meetings remain on Mondays as they have been on that day for as long as he could remember. He would also recommend a 7:00 pm start time.

APPROVAL OF CASH DISBURSEMENTS

Executive Director Trueblood read aloud the cash disbursement totals per fund. Disbursements are: Sewer Revenue Fund \$1,584,712.59, Capital Improvement Fund \$1,572,054.82, Depreciation & Replacement Fund \$50,361.76.

Trustee Rauschenberger made a motion, seconded by Trustee Hyman, to approve the Cash Disbursements as presented. There were no further comments; President Bernal called for a Roll Call vote. Trustees Corn: Aye, Bernal: Aye, Rauschenberger: Aye, McCormack: Aye, Hyman: Aye.

REVIEW OF CONNECTION PERMITS

Technical Services Director Vogt reported that there were two Commercial, three Industrial and one single family permits issued in between meetings. Approximately \$1,800 was collected. Trustee Rauschenberger made a motion, seconded by Trustee Corn, to approve the Connection Permits as issued. Trustee Bernal commented that almost all the new developments are prepay. TSD Vogt responded yes, by definition everything in the service fee area is prepaid in based on the number of units on the IEPA permit application. There were no further questions or comments; President Bernal called for a Roll Call vote. Trustees Corn: Aye, Bernal: Aye, Rauschenberger: Aye, McCormack: Aye, Hyman: Aye.

REVIEW OF CONTRACTS AND PURCHASE ORDERS

Executive Director Trueblood reported that there was one purchase order over \$10,000 issued in-between Board meetings. The PO was issued to Polydyne in the amount of \$18,584 for a standard order of Polymer off the contract price.

FOIA REQUESTS

None

OLD BUSINESS

None

NEW BUSINESS

DISCUSSION ONLY – FY2021 AUDIT REVIEW

Executive Director Trueblood commented that the Fiscal Year 2021 draft audit documents were available for Board review and that Mr. Joe Lightcap from BakerTilly was in attendance via Zoom today to go over some highlights from the audit. Mr. Joe Lightcap thanked the Board for having him today and gave an overview of the FY2021 Audit and reported that BakerTilly identified no deficiencies. Mr. Joe Lightcap also commented that the MD &A is written by staff and provides good explanation of any significant changes from year to year. TSD Vogt commented that some of the District's expenses are tied to wet weather, and since it was a very dry year expenses were down somewhat. Executive Director Trueblood commented that on pages 44 and 45 Board members can see the significant increase in total assets for the year based on several projects being completed and added to the depreciation expense. ED Trueblood suggested that if any Board members have further questions or comments regarding the audit upon further review, they should contact him.

MOTION TO APPROVE MANDATORY COVID-19 VACCINATION POLICY

Executive Director Trueblood commented that staff has spoken with Attorney Airdo and would like this item to be tabled for further review. Trustee McCormack made a motion, seconded by Trustee Corn, to table the attached Mandatory COVID-19 Vaccine Policy to the next meeting. Trustee Rauschenberger asked if staff was worried that they would lose employees if the vaccine were to be mandatory. ED Trueblood responded that currently 80% of staff is vaccinated and he has not heard talk of anyone leaving should the vaccine become mandatory. Trustee Rauschenberger asked if PCR testing is necessary or if the District would consider rapid testing be acceptable as well. ED Trueblood responded that the PCR testing is what OSHA requires. Trustee Bernal commented that it needs to be determined who is responsible for the cost of the testing. Additional discussions took place. ED Trueblood commented that he would like to see a policy in place by January 1st, 2022.

At the conclusion of discussions; President Bernal called for a Roll Call vote to table to the item to the next meeting. Trustees Corn: Aye, Bernal: Aye, Rauschenberger: Aye, McCormack: Aye, Hyman: Aye.

MOTION TO APPROVE VEHICLE REPLACEMENT PURCHASE

Trustee McCormack made a motion, seconded by Trustee Rauschenberger, to authorize Executive Director Trueblood to purchase a new vehicle through the State Contract pricing. This vehicle is to replace the vehicle that was involved in a collision in August.

There was no discussion; President Bernal called for a Roll Call vote. Trustees Corn: Aye, Bernal: Aye, Rauschenberger: Aye, McCormack: Aye, Hyman: Aye.

MOTION TO APPROVE PROPOSED DAY AND TIME CHANGE TO FY2021/2022 MEETING SCHEDULE

Trustee Rauschenberger made a motion, seconded by Trustee McCormack, to approve the new Board meeting schedule for both the Board of Trustees and the Board of Local Improvements for the remainder of FY 2021/2022. Trustee Rauschenberger commented that the new proposed schedule generally works well for him, but he will not be able to attend the meeting in October due to a scheduling conflict. Trustee Corn asked how staff felt about the change in the schedule as it would require them to work past business hours. ED Trueblood said that he was fine with it, he was used to nightly meetings before coming to the District.

There was no further discussion; President Bernal called for a Roll Call vote. Trustees Corn: Aye, Bernal: Aye, Rauschenberger: Aye, McCormack: Aye, Hyman: Aye.

MOTION TO APPROVE AMENDMENT NO. 4 TO THE ADP WRF PHOSPHORUS REMOVAL LIQUID FACILITIES ENGINEERING AGREEMENT WITH BLACK & VEATCH

Trustee McCormack made a motion, seconded by Trustee Hyman, to authorize Executive Director Trueblood to sign the Amendment No. 4 with Black & Veatch for the ADP WRF Phosphorus Removal Improvements – Liquid Process Facilities Construction Services for reduction in fee of \$40,000.

There was no discussion; President Bernal called for a Roll Call vote. Trustees Corn: Aye, Bernal: Aye, Rauschenberger: Aye, McCormack: Aye, Hyman: Aye.

MOTION TO APPROVE AMENDMENT NO. 4 TO THE NORTH WRF PHOSPHORUS REMOVAL FACILITIES ENGINEERING AGREEMENT WITH BLACK & VEATCH

Trustee McCormack made a motion, seconded by Trustee Hyman, to authorize Executive Director Trueblood to sign the Amendment No. 4 with Black & Veatch for the North WRF Phosphorus Removal Improvements Construction Services for an increase in fee of \$40,000. Trustee Bernal asked for an explanation from staff. TSD Vogt responded the project underground work encountered a number of unforeseen conflicts that required changes to the project and the significant time delays have increased construction management costs. The efforts of Senior Project Engineer Kerrigan in assisting with resident services have helped to reduce the increase and have allowed the net increase between the two projects to be zero.

There was no further discussion; President Bernal called for a Roll Call vote. Trustees Corn: Aye, Bernal: Aye, Rauschenberger: Aye, McCormack: Aye, Hyman: Aye.

President Bernal called for a 10-minute break at 9:52 A.M. and called the meeting back to order at 10:02A.M.

MOTION TO AWARD THE 646 LOWER WELLINGTON DEMOLITION PROJECT TO ALPINE DEMOLITION SERVICES, LLC. FOR \$36,450

Trustee Rauschenberger made a motion, seconded by Trustee Hyman, to authorize the Executive Director to sign the Notice of Award for the 646 Lower Wellington Demolition Project to Alpine Demolition Services, LLC., for \$36,450 and to subsequently sign the associated agreement with Alpine Demolition Services, LLC. Trustee Corn commented that he doesn't like to see so few contractors bidding on a project. TSD Vogt commented that staff agrees, however, contractors are overloaded with work right now and the low bid is under the engineer's estimated cost.

There was no further discussion; President Bernal called for a Roll Call vote. Trustees Corn: Aye, Bernal: Aye, Rauschenberger: Aye, McCormack: Aye, Hyman: Aye.

MOTION TO AWARD THE ADP WRF CLARIFIER DRIVE REHABILITATION PROJECT TO IHC CONSTRUCTION INDUSTRIES LLC FOR \$258,000

Trustee Hyman made a motion, seconded by Trustee McCormack, to authorize the Executive Director to sign the Notice of Award for the ADP WRF Clarifier Drive Rehabilitation Project to IHC Construction Industries LLC., for \$258,000 and to subsequently sign the associated agreement with IHC Construction Industries LLC. Trustee Corn added the same concern with this project as the previous, that there was only one bidder and in this case the bid is over the engineer's estimate. TSD Vogt commented that after review the bid, staff believes that the estimate was low because one of the drives is a different type and has higher rehab costs. This difference wasn't included in the estimate. Also, the contractor has worked recently with the District on a similar project and performed well.

There was no further discussion; President Bernal called for a Roll Call vote. Trustees Corn: Aye, Bernal: Aye, Rauschenberger: Aye, McCormack: Aye, Hyman: Aye.

MOTION TO AUTHORIZE ISSUANCE OF NOTICE OF INTENT TO AWARD THE SLUDGE TRANSFER MAIN RIVER CROSSING PROJECT TO COPENHAVER CONSTRUCTION, INC. FOR \$719,510

Trustee McCormack made a motion, seconded by Trustee Hyman, to authorize the Executive Director to issue a Notice of Intent to Award for the contract to Copenhaver Construction, Inc., for \$719,510 and to subsequently sign the associated agreement with Copenhaver Construction Inc., upon IEPA loan modification approval. Trustee Bernal asked if staff feels comfortable moving forward with this contract. TSD Vogt responded yes, the engineer has provided letter of recommendation to award and Copenhaver is a well established contractor with extensive experience in major pipeline construction.

There was no further discussion; President Bernal called for a Roll Call vote. Trustees Corn: Aye, Bernal: Aye, Rauschenberger: Aye, McCormack: Aye, Hyman: Aye.

MOTION TO APPROVE PURCHASE OF IMRF OUT-OF-STATE CREDIT AUTHORIZATION

Trustee Hyman made a motion, seconded by Trustee Rauschenberger, to approve authorization allowing Executive Director Trueblood to purchase up to 120 months of service credit, at his personal expense. Trustee Bernal asked if there would be any cost to the District. ED Trueblood commented that there is no upfront cost to the District.

There was no further discussion; President Bernal called for a Roll Call vote. Trustees Corn: Aye, Bernal: Aye, Rauschenberger: Aye, McCormack: Aye, Hyman: Aye.

TECHNICAL SERVICES REPORT

Technical Services Director Vogt reported the IAWA annual conference was again held virtually. The program included some very valuable information on Wednesday related to the municipal bond market, supply chain disruptions, and the legislative update. TSD Vogt continued that given the current low rates in the bond market, it may be worthwhile to look into refinancing the IEPA loans if the total cost would be lower. Trustee Bernal commented that he would be interested to see what the upfront fees would be if the District were to refinance.

Additionally, FRWRD staff met with representatives of Johnson Controls Inc. (JCI) to discuss the potential for a public/private partnership related to using FRWRD digester gas to produce CNG for injection into the natural gas pipeline. An initial step, which will be beneficial to FRWRD regardless of moving forward with this project, is to submit an application to Nicor to get a determination of whether connection into the pipeline is feasible and what the cost would be. FRWRD staff will work with JCI to submit that application. Trustee McCormack asked if other municipalities have programs similar to this. TSD Vogt responded none in Illinois, because many agencies recently completed capital improvements to add engine generators that it would be cost inhibitive to start up a project like this.

STAFF REPORT OF ONGOING STUDY, DESIGN AND CONSTRUCTION PROJECTS

Technical Services Director Vogt provided a written update on all projects. TSD Vogt highlighted the following:

- For the project ADP WRF Phosphorus Removal – Liquid Facilities, the contractor has completed all the site piping interconnection work in the plant and has begun backfilling activities in the excavated areas.
- The North WRF Phosphorus Removal project is wrapping up, site grading and landscaping is being completed and paving will be underway shortly.
- Staff will bring an amendment to Burns and McDonnell Agreement for Construction Services of the Sludge Transfer Forcemain Main River Crossing Project to the next meeting for Board approval.

EXECUTIVE DIRECTOR'S REPORT

Executive Director Trueblood reported on several items. Highlights include the following:

- Staff is continuing to work with Chase and Wells Fargo regarding the \$1,461.58 stolen check from the Depreciation and Replacement Fund.
- Staff has been discussing options with PorteBrown to transition away from the current financial system. Oracle was championed by the former Finance Manager and although staff has continued to make it work, there are issues with the system that would be very expensive to be resolved and the annual software and support costs are very high. Trustee Bernal asked how long is the contract with Oracle. ED Trueblood responded that staff will renew it in November for an additional 12 months as they work to implement a new system and transition data over.

- ED Trueblood reported that April, June and July Financial Statements were provided for review. April's statements were held up because of the delay by the OPEB report consultant. ED Trueblood gave a brief overview of some highlights as of April 30th, 2021 which is the end of the fiscal year for the District. Items to note was salaries and wages were significantly under budget due to a lot of recent staff turn over and vacant positions. There was discussion on whether the District is competitive in retaining employees and what can be done to keep employees wanting to stay employed at the District.

ATTORNEY'S REPORT

Attorney Scheflow provided copies of his August 31st invoice in the Board packet detailing services rendered for the month. Board Members had no questions or comments.

ADJOURN

As there was no additional business, Trustee McCormack made a motion, seconded by Trustee Hyman, to adjourn the September 20th, 2021 meeting at 11:01 A.M. President Bernal called for a Roll Call vote. Trustees Corn: Aye, Bernal: Aye, Rauschenberger: Aye, McCormack: Aye, Hyman: Aye. The next meeting is scheduled for 5:30 P.M. Wednesday, October 20th, 2021.

Respectfully Submitted

Kim Narvaiz, Assistant Clerk

APPROVED:

Benjamin Bernal, President

Gary Hyman, Clerk-Treasurer