

Minutes of the regular meeting of the Board of Local Improvements of the Fox River Water Reclamation District held on Monday, March 8th, 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 Bruce Corn, Vice President Benjamin Bernal, and Trustee Marty McCormack. Trustee Steve Rauschenberger and Trustee Gary Hyman, were present via zoom.

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

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

APPROVAL OF FEBRUARY 8th, 2021 BOARD OF LOCAL IMPROVEMENT MINUTES

Trustee Bernal made a motion, seconded by Trustee Rauschenberger, to approve the minutes of the February 8th, 2021 Board of Local Improvements as written.

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

PUBLIC COMMENT

None

OLD BUSINESS

MOTION TO APPROVE APPEAL REQUEST FOR 66% WAIVER OF CONNECTION FEE BY ELGIN CHARTER SCHOOL INITIATIVE, A/K/A ELGIN MATH & SCIENCE ACADEMY CHARTER SCHOOL, (EMSA) GYMNASIUM RENOVATION PROJECT

Trustee McCormack made a motion, seconded by Trustee Bernal, to grant the waiver request by Elgin Charter School Initiative, a/k/a Elgin Math & Science Academy Charter School, (EMSA) Gymnasium Renovation located at 1600 Dundee Avenue in Elgin at 66%. Technical Services Vogt provided an overview of this BAR explaining that the Elgin Math & Science Academy (EMSA) requested a waiver of connection fees at the July 20, 2020 Board of Local Improvements meeting. That request was denied. EMSA is appealing that decision by the Board based on the “governmental use” criteria. EMSA is a 501c(3) organization, but also a Local Education Authority that is funded by Illinois taxpayer dollars to provide public education, which is the basis of their “governmental use” assertion.

Trustee Corn asked if this approval of waiver had been run by Attorney Schefflow ahead of time for his opinion and interruption of the Ordinance. TSD Vogt responded no as the final letter came in just before the packet preparation so Attorney Schefflow only saw it in the packet. Attorney Schefflow commented that he supports approval of the waiver, that in this case in accordance with the ordinance as this is simply a renovation to the existing building and there will be no increase in the capacity. Trustee Corn commented that he agrees with the approval of the waiver for this instance, however, the Board did decide to do away with waivers and he doesn't want to revert back to old practices. Trustee Bernal agrees with Trustee Corn, but also commented that he can understand where there will be unique circumstances that the Board will have to review on an individual basis. Trustee McCormack suggested that Ordinance 886, which phased out waivers, be reevaluated to take into consideration these rare situations. Executive Director Trueblood responded that staff will sit down and review the Ordinance and bring forward suggestions for some changes to clarify the criteria for waivers.

There were no further questions or comments; President Corn called for a Roll Call vote. Trustees Corn: Aye, Bernal: Aye, Rauschenberger: Aye, Hyman: Aye, McCormack: Aye.

NEW BUSINESS

MOTION TO APPROVE ANNEXATION PETITION FOR APPROXIMATELY 8.493 ACRES BY RANDALL ROAD HOLDINGS, LLC FOR LOT 1 OF THE FUTURE BIGGERS SUBDIVISION

Trustee McCormack made a motion, seconded by Trustee Rauschenberger, to have Attorney Schefflow prepare an annexation ordinance for Lot 1 of the Biggers Subdivision for approval at a subsequent board meeting. Technical Services Director Vogt commented that this is the first request for annexation for this property. She explained that at this time Randall Road Holdings, LLC is the potential owner of the property that is petitioning for annexation and that they would need to de-annex from Village of Sleepy Hollow and then annex to the City of Elgin and FRWRD. Bob Gudmundson of RWG Engineering, LLC commented that the property exists of two lots and at this time only Lot 1 is part of the sale and proposed for the new development. The owners will retain Lot 2.

There were no further questions or comments; President Corn called for a Roll Call vote. Trustees Corn: Aye, Bernal: Aye, Rauschenberger: Aye, Hyman: Aye, McCormack: Aye.

MOTION TO APPROVE IEPA PERMIT APPLICATION BY CALATLANTIC GROUP, INC., PONDS OF STONY CREEK SUBDIVISION, UNIT 2A ON MCDONALD ROAD

Trustee Bernal made a motion, seconded by Trustee Hyman, to authorize Executive Director Trueblood to sign the IEPA permit applications for the Ponds of Stony Creek Subdivision, Unit 2A Elgin.

There were no questions or comments; President Corn called for a Roll Call vote. Trustees Corn: Aye, Bernal: Aye, Rauschenberger: Aye, Hyman: Aye, McCormack: Aye.

MOTION TO APPROVE IEPA PERMIT APPLICATION BY FRED-WEST DUNDEE, LLC, SEASONS AT RANDALL ROAD – PHASE II

Trustee Rauschenberger made a motion, seconded by Trustee Bernal, to authorize Executive Director Trueblood to sign the IEPA permit applications for the FRED-West Dundee, LLC, Seasons at Randall Road – Phase II development in the Village of West Dundee. Trustee Bernal questioned that Village of East Dundee has to sign the IEPA Permit as well. Technical Services Director Vogt commented yes, because of the location the flow can go to either East Dundee or to FRWRD.

There were no further questions or comments; President Corn called for a Roll Call vote. Trustees Corn: Aye, Bernal: Aye, Rauschenberger: Aye, Hyman: Aye, McCormack: Aye.

TECHNICAL SERVICES DIRECTOR’S REPORT

Technical Services Director Vogt gave an update on development projects, including:

- Work on site for the new Middle Street Pump Station is now complete. Staff has received all record and shop drawings and is now waiting on accounting of assets to be able to break down the depreciation of assets and finalize recapture cost. TSD Vogt also commented that staff is waiting on the final bond. Trustee Bernal asked if a 18 month bond is standard. TSD Vogt responded that a contractor’s bond is typically 12 months but this project had 18 months from the developer in the agreement as FRWRD didn’t manage the construction project. Attorney Scheflow commented that he provided his comments to their attorneys and is waiting to hear back from them.
- Legend Partners, LLC is proposing a mixed-use redevelopment of the five-story office building at 40 DuPage Court located in downtown Elgin. Legend Partners LLC, proposes to renovate and redevelop the 51,630 square foot, mixed-use building as a forty (40) unit apartment building. TSD Vogt continued that this would fall under the connection fee area where an inspection would need to be completed to determine available credits against the new fixtures.
- Lastly, a packaging company is looking at a 56 acre site north of Mason road, west of Alft Lane and South of I-90 to construct a 422,000 square foot facility. Service fees and Northwest Interceptor Recapture would be due to FRWRD if the project proceeds. Executive Director Trueblood commented that the Elgin Chamber of Commerce reached out to him suggesting that FRWRD waive the services fees for this potential project. Executive Director Trueblood explained that waiver of these fees is highly unlikely as the District will not see sales tax or TIF money from this project like the City would.

ADJOURN

As there was no additional business, Trustee McCormack made a motion, seconded by Trustee Bernal, to adjourn the meeting at 9:32 A.M. The next meeting is scheduled for 9:00

March 8, 2021

A.M. Monday, April 5th 2021. President Corn called for a Roll Call vote. Trustees Corn: Aye, Bernal: Aye, Rauschenberger: Aye, Hyman: Aye, McCormack: Aye.

Respectfully Submitted

Kim Narvaiz, Assistant Clerk

APPROVED:

Bruce R. Corn, President

Gary Hyman, Clerk-Treasurer