

Minutes of the regular meeting of the Board of Trustees 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 Trustees Benjamin Bernal, Bruce Corn, Gary Hyman and 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 Corn called the meeting to order at 9:00 A.M.

### **ELECTION OF OFFICERS FY 2022 BOARD OF TRUSTEES**

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

### **APPOINTMENT OF BOARD OF LOCAL IMPROVEMENTS TRUSTEES FOR FY 2022**

Trustee Rauschenberger made a motion, seconded by Trustee Corn, to appoint the Board of Trustees of the Fox River Water Reclamation District to serve as the Board of Local Improvements: Benjamin P. Bernal, Bruce R. Corn, Gary Hyman, Martin McCormack, and Steven J. Rauschenberger. President Bernal called for a Roll Call vote. Trustees Bernal: Aye, Corn: Aye, Hyman: Aye, McCormack: Aye, Rauschenberger: Aye.

### **ASSISTANT CLERK**

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

**RECESS**

Trustee Rauschenberger made a motion, seconded by Trustee Hyman, to recess the Board of Trustees meeting at 9:05 A.M. and enter into the Board of Local Improvements meeting. President Bernal called for a Roll Call vote. Trustees Bernal: Aye, Corn: Aye, Hyman: Aye, McCormack: Aye, Rauschenberger: Aye.

**RECONVENE**

Trustee Rauschenberger made a motion, seconded by Trustee Hyman, to reconvene the Board of Trustees meeting at 9:52 A.M. 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 TRUSTEES MINUTES**

Trustee Rauschenberger made a motion, seconded by Trustee Hyman, to approve the minutes of the April 26, 2021 Board of Trustees as written. President Bernal called for a Roll Call vote. Trustees Bernal: Aye, Corn: Aye, Hyman: Aye, McCormack: Aye, Rauschenberger: Aye.

**PUBLIC COMMENT**

None

**APPROVAL OF CASH DISBURSEMENTS**

President Bernal read aloud the cash disbursement totals per fund. Disbursements for the Sewer Revenue \$1,330,263.85, Capital Improvement Fund \$3,179,196.03, Depreciation & Replacement Fund \$97,097.62, and Corporate Fund \$240,632.46.

Trustee Rauschenberger made a motion, seconded by Trustee Hyman, to approve the Cash Disbursements as presented. President Bernal called for a Roll Call vote. Trustees Bernal: Aye, Corn: Aye, Hyman: Aye, McCormack: Aye, Rauschenberger: Aye.

**REVIEW OF CONNECTION PERMITS**

There were six Commercial, one Industrial, and four Single Family permits issued in between meetings. Approximately \$12,000 was collected. Trustee Rauschenberger made a motion, seconded by Trustee Hyman, to approve the Connection Permits as issued. President Bernal called for a Roll Call vote. Trustees Bernal: Aye, Corn: Aye, Hyman: Aye, McCormack: Aye, Rauschenberger: Aye.

**REVIEW OF CONTRACTS AND PURCHASE ORDERS**

Executive Director (ED) Trueblood reported that there was one purchase order over \$10,000 issued in-between meetings for polymer off of the previously bid contract. No action was necessary by the board.

**FOIA REQUESTS**

ED Trueblood indicated that two FOIA requests were received between meetings. One request was about the permit history of a specific property and the other was for FRWRD staff contact information. Both requests were responded to and no action is needed by the Board.

**OLD BUSINESS**

None

**NEW BUSINESS**

**MOTION TO APPROVE PROCLAMATION FOR HERBERT O. RUDIGER III**

Trustee Rauschenberger made a motion, seconded by Trustee Hyman, to approve the issuance and signature on a Proclamation in Recognition of Herbert O. Rudiger III. ED Trueblood gave a brief overview of Mr. Rudiger's career of over 25 years with FRWRD. Mr. Rudiger was hard work, conscientious, and really rose to the occasion in running the North WRF during the current construction project with all the shutdowns and facility interruptions. Filling his shoes as the North WRF Lead Operator will be difficult. Staff will miss him greatly and wish for his family to know how sorry we are for their loss. Two originals with signatures will be given to his father and his wife.

President Bernal extended his condolences to the family as well on behalf of the Board. President Bernal called for a Roll Call vote. Trustees Bernal: Aye, Corn: Aye, Hyman: Aye, McCormack: Aye, Rauschenberger: Aye.

**MOTION TO APPROVE ATTORNEY AGREEMENT WITH KOPON AIRDO, LLC**

Trustee Rauschenberger made a motion, seconded by Trustee Hyman, to approve the agreement with Kopon Airdo, LLC for attorney services. Trustee Rauschenberger asked if the agreement was of the same form as Attorney Scheflow's contract. It was noted that this agreement is based on an hourly rate and direct hours billed rather than a retainer agreement. As there were no further questions, President Bernal called for a Roll Call vote. Trustees Bernal: Aye, Corn: Aye, Hyman: Aye, McCormack: Aye, Rauschenberger: Aye.

**MOTION TO APPROVE EXTENSION OF RETAINER AGREEMENT WITH ATTORNEY DOUGLAS SCHEFLOW**

Trustee Rauschenberger made a motion, seconded by Trustee Bernal, to approve the extension of the Retainer Agreement with Attorney Douglas Scheflow. President Bernal indicated that a period up to 6 months to allow for a transition of information to Attorney Airdo seemed sufficient and Attorney Scheflow will bring back specifics on the agreement to the board. President Bernal called for a Roll Call vote. Trustees Bernal: Aye, Corn: Aye, Hyman: Aye, McCormack: Aye, Rauschenberger: Aye.

**MOTION TO APPROVE USER RATE INCREASE ORDINANCE 937**

Trustee Rauschenberger made a motion, seconded by Trustee Hyman, to approve User Rate Increase Ordinance 937. ED Trueblood indicated the Ordinance formalizes the 10% rate increase the Board approved at the last meeting for all categories except excess strength surcharges. The ordinance puts the new rates into effect as of September 1, 2021.

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

President Bernal called for a 10-minute break at 10:12 A.M. and called the meeting back to order at 10:23 A.M.

**MOTION TO APPROVE DESTRUCTION OF AUDIO TAPES OF EXECUTIVE SESSIONS**

Trustee Rauschenberger made a motion, seconded by Trustee Hyman, to approve the destruction of audio tapes of Executive Sessions recorded prior to December 2019 and to not release the current Executive Session minutes. There were no questions; President Bernal called for a Roll Call vote. Trustees Bernal: Aye, Corn: Aye, Hyman: Aye, McCormack: Aye, Rauschenberger: Aye.

**MOTION TO APPROVE CHANGE ORDER NO. 1 TO BEE LINER LEAN SERVICES ON THE ADP WRF BLOWER REPLACEMENT PROJECT**

Trustee Rauschenberger made a motion, seconded by Trustee Corn, to approve Change Order No. 1 to Bee Liner Lean Services on the ADP WRF Blower Replacement Project. It was noted that the change order only increases the contract time and does not include any increase in cost.

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

**MOTION TO APPROVE AMENDMENT NO. 1 TO THE CSO INSPECTION SERVICES AGREEMENT WITH RJN GROUP, INC.**

Trustee Hyman made a motion, seconded by Trustee Rauschenberger, to approve Amendment No. 1 to the CSO Inspection Services Agreement with RJN Group, Inc for \$51,060. The amendment allows for design of repairs needed to the CSO structures based on the previous inspections. There were no questions; President Bernal called for a Roll Call vote. Trustees Bernal: Aye, Corn: Aye, Hyman: Aye, McCormack: Aye, Rauschenberger: Aye.

**TECHNICAL SERVICES REPORT**

None

**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:

- Station 31 is complete with the exception of some final documents from Strand and testing of the pump impellers with the new forcemain only. Given the low river level at this time, performing that testing will have to wait. Given the lengthy period of time to finalize the project, Strand Associates is looking to be paid for additional time and to be compensated for their efforts in evaluating the hydraulics associated with the pumping system. As Strand was to pay for one of the impellers on the project, they are proposing to offset that contribution against a final invoice. Staff will be providing a recommendation on this issue to the Board at the June meeting.
- Work on the North and ADP Liquid phosphorus removal projects continues to progress. At the North WRF, much of the equipment has been tests and some of the facilities are nearly ready for functional acceptance. Substantial completion is expected August 31<sup>st</sup>. At ADP WRF, significant contract work has been completed as has much of the site underground work. A major shutdown was completed and work in the Aeration Basins is proceeding.
- The Struvite project will reach final completion in the upcoming weeks with final payment and initiation of loan repayment period.

**EXECUTIVE DIRECTOR'S REPORT**

Executive Director Trueblood reported that a new COVID-19 mask policy will take effect in early June to allow vaccinated employees to go without masks. Employees will need to confirm their vaccination status to their supervisors for unmasking to apply. ED Trueblood also passed out copies of Ordinance 926 on audio or video attendance of Board meetings. The Board will need to determine how it wishes to proceed with meetings once the State of Illinois enters Phase 5, expected on June 11<sup>th</sup>. Maybe it would be appropriate to allow the public to attend via zoom going forward. The Board may want to work with Attorney Airdo to revise the ordinance.

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The stolen check issue continues to languish. Neither bank appears ready to return the money to FRWRD yet. 5/3 had indicated we should receive the money soon, but it has not arrived.

With Accountant Narvaiz on maternity leave, staff has not been able to follow the investment policy protocol exactly. Thus, in order to maintain the desired separation of tasks and confirmations, ED Trueblood has utilized HR Manager Venegas as a third person. Ms. Venegas completed the investment initiated by Accountant Narvaiz on April 30<sup>th</sup>. For the investments that matured in May, ED Trueblood obtained the quotes and then had TSD Vogt and HR Manger Venegas review and sign off on the actions taken.

Other items to note are that the Kane County Cougars outing will take place this year on August 14<sup>th</sup>, several FRWRD vehicles were sold at auction with the proceeds per vehicle provided in ED Trueblood's report, and an offer was extended and accepted for a new HR Manager.

### **ATTORNEY'S REPORT**

Attorney Schefflow provided copies of his April 30<sup>th</sup> 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 Rauschenberger made a motion, seconded by Trustee Hyman, to adjourn the meeting at 10:53 A.M. President Bernal called for a Roll Call vote. Trustees Bernal: Aye, Corn: Aye, Hyman: Aye, McCormack: Aye, Rauschenberger: Aye.

The next meeting is scheduled for 9:00 A.M. Monday, June 21, 2021.

Respectfully Submitted

Beth Vogt, Technical Services Director

APPROVED:

Benjamin Bernal, President

Gary Hyman, Clerk-Treasurer