

**MINUTES OF A MEETING OF THE
DuPAGE WATER COMMISSION
HELD ON THURSDAY, JANUARY 8, 2009
600 E. BUTTERFIELD ROAD
ELMHURST, ILLINOIS**

The meeting was called to order by Chairman S. Louis Rathje at 7:30 P.M.

Commissioners in attendance: E. Chaplin, T. Elliott, L. Hartwig, W. Maio, G. Mathews, W. Mueller, A. Poole, F. Saverino, J. Zay, D. Zeilenga, and L. Rathje

Commissioners Absent: T. Bennington (due to a family funeral) and W. Murphy

Also in attendance: Treasurer R. Thorn, R. Martin, R. M. Richter, M. Crowley, C. Johnson, R. C. Bostick, T. McGhee, J. Schori, E. Kazmierczak, F. Frelka, M. Weed, and J. Nesbitt

Chairman Rathje presented Christopher Townsend, Lead Operator in the Operations Department, with a 15 year anniversary recognition certificate.

PUBLIC COMMENTS

Bob Kozunek, 400 S. Eagle Street, Naperville, Illinois, spoke on behalf of the City of Naperville in support of the City's request that the Commission supplement the cost of the relocation of the Commission's watermain in the vicinity of 75th and Washington Streets in Naperville, noting that the County's DuPage South Regional Trail connects to the City's DuPage River Trail in this area; citizens requested the underpass; the City determined the tunnel was feasible and could not be designed around the Commission's watermain; and the City offered to pick up 54% of the cost of the relocation, with the Commission paying the County's 46% share of the joint intersection improvement project.

Joe Lech, 414 Cadwell, Elmhurst, Illinois, stated, again, that the newly installed security fence at the DuPage Pumping Station looks terrible and asked that something be done to get rid of the prison look.

APPROVAL OF MINUTES

Commissioner Zay moved to approve the Minutes of the December 11, 2008 Regular Meeting of the DuPage Water Commission. Seconded by Commissioner Chaplin and unanimously approved by a Voice Vote.

All voted aye. Motion carried.

TREASURER'S REPORT

Treasurer Thorn presented the Treasurer's Report for the month of December 2008 which showed receipts of \$6,826,015.00, disbursements of \$4,589,737.00, and a cash and investment balance of \$76,322,220.00.

Minutes of the 1/8/09 Meeting

Commissioner Saverino moved to accept the December 2008 Treasurer's Report. Seconded by Commissioner Elliott and unanimously approved by a Voice Vote.

All voted aye. Motion carried.

COMMITTEE REPORTS

Administration Committee – Reported by Commissioner Zay

Commissioner Zay advised that items listed on the Administration Committee will be discussed when the Board goes into Executive Session.

Engineering & Construction Committee – Reported by Commissioner Maio

Commissioner Maio reported that the Engineering & Construction Committee reviewed and recommended for approval the Partial Pay Requests and Resolution No. R-2-09 which were listed on the Engineering & Construction Committee agenda. With respect to the proposed alternatives to the newly installed fence, Commissioner Maio reported that the Committee discussed the various options which will be presented to the full Board during New Business. Lastly, Commissioner Maio stated that the Engineering & Construction Committee reviewed the memorandum concerning the Contract PSD-7 Office Furniture and recommended that all selections be presented to the Board for review and approval before any purchases are made.

Finance Committee – Reported by Commissioner Mathews

Commissioner Mathews reported that the Finance Committee reviewed and recommended for approval the Accounts Payable.

CHAIRMAN'S REPORT

Chairman Rathje reported that, as suggested by Commissioner Murphy, a meeting had been held among Commission, City of Naperville, and DuPage County representatives regarding the relocation of the Commission's watermain in the vicinity of 75th and Washington Streets in Naperville which will be discussed during Old Business.

MAJORITY OMNIBUS VOTE AGENDA

Commissioner Mueller moved to adopt the items listed on the Majority Omnibus Vote Agenda in a single group pursuant to the Omnibus Vote Procedures. Seconded by Commissioner Zay and unanimously approved by a Roll Call Vote:

Majority Omnibus Vote

Ayes: E. Chaplin, T. Elliott, L. Hartwig, W. Maio, G. Mathews, W. Mueller, A. Poole, F. Saverino, J. Zay, D. Zeilenga, and L. Rathje

Minutes of the 1/8/09 Meeting

Nays: None

Absent: T. Bennington and W. Murphy

Item 1: Resolution No. R-1-09: A Resolution Awarding a Contract for Six (6) Panasonic ToughBook Laptop Computers with Vehicle Mounting Hardware—"Majority Omnibus Vote"

Item 2: Resolution No. R-3-09: A Resolution Approving and Authorizing the Execution of a Renewal Intergovernmental for Access to the Cook County Assessor's Office Geographic Information System Data—"Majority Omnibus Vote"

SUPER/SPECIAL MAJORITY OMNIBUS VOTE AGENDA

Commissioner Mathews moved to adopt the items listed on the Super/Special Majority Omnibus Vote Agenda in a single group pursuant to the Omnibus Vote Procedures. Seconded by Commissioner Zeilenga and unanimously approved by a Roll Call Vote:

Super/Special Majority Omnibus Vote

Ayes: E. Chaplin, T. Elliott, L. Hartwig, W. Maio, G. Mathews, W. Mueller, A. Poole, F. Saverino, J. Zay, D. Zeilenga, and L. Rathje

Nays: None

Absent: T. Bennington and W. Murphy

Item 1: Resolution No. R-2-09: A Resolution Awarding a Contract for Valve Actuator Replacement (Contract VA-1/08)—"Super/Special Majority Omnibus Vote"

OLD BUSINESS

General Manager Martin gave a brief summary of the meeting held between Commission representatives Chairman Rathje, General Manager Robert Martin, and Staff Attorney Crowley, City of Naperville representatives, DuPage County representatives, and a representative from the Office of the State's Attorney for DuPage County with regards to the responsibility for the cost of relocating the Commission's South Transmission Main at 75th and Washington Streets, in Naperville. General Manager Martin stated that the position of both the City of Naperville and the County of DuPage is to have the Commission be responsible for costs incurred on behalf of the County of DuPage.

Commissioner Maio inquired as to whether the Commission was asked to move its pipe and as to the Staff Attorney's view of the matter. Staff Attorney Crowley advised that the Commission had received a copy of a letter from the County directing the

Minutes of the 1/8/09 Meeting

Commission to relocate its watermain where it is in conflict with the proposed 75th and Washington Street intersection improvements. Staff Attorney Crowley added that the statute cited by the County in its letter does allow state and county, but not municipal, highway authorities to require governmental utilities to relocate their facilities at their own cost for highway or highway safety purposes and some have questioned whether that power was being properly exercised by the County in the current situation. Staff Attorney Crowley concluded her remarks by reminding the Board that the City estimated the total cost of the relocation between \$150,000 and \$300,000 and, therefore, as noted in staff's initial memorandum to the Board, mounting a legal challenge to the request would most likely cost more than paying a 45% share.

Commissioner Zay inquired as to the opinion of the State's Attorney representing the County of DuPage. Staff Attorney Crowley replied by saying that she did not believe the Assistant State's Attorney offered any comment at the meeting.

Commissioners Zay and Zeilenga both suggested getting opinions from all parties (County of DuPage, City of Naperville and DuPage Water Commission) for review.

Commissioner Maio disagreed saying it would be acceptable if the City of Naperville and the County of DuPage submitted their opinion on their own, but that staff was in no position to require it.

Commissioner Maio noted that the Mayor of Wood Dale approached him for help regarding a similar situation involving the relocation of a train depot located in the City of Wood Dale which sits in between the County's property line and the State's property line. Staff Attorney Crowley noted that in the Wood Dale situation she believed the Commission's watermain was located within an easement, in which case the Commission would have the sole discretion to determine whether to move its main.

NEW BUSINESS

Manager of Water Operations McGhee gave a presentation on the Asset Management Program.

Upon concluding the presentation, Commissioner Poole shared that the City of Naperville implemented the same program and expressed how successful the Commission's program has been. The City of Naperville is trying to get their Asset Management Program to the level of the Commissions. Commissioner Poole further noted that the Commission's Asset Management Program should be used as a standard for other utilities.

Next, Manager of Water Operations McGhee gave a presentation on the Capital Improvement Plan for 2009-2010.

During the presentation, General Manager Martin noted that no new expenses have been added from last year's plan and that the plan offers more detail for clarification purposes.

Minutes of the 1/8/09 Meeting

Commissioner Poole commented that the City of Naperville already adopted its multiple year water rate increases based upon the Commission's 2008-2009 Capital Improvement Plan projections and asked for the fund balance spreadsheets utilizing the previously projected multiple year water rates.

Commissioner Poole inquired as to renewable energy and if staff had researched green tags or renewal energy units. General Manager Martin stated that staff is working with ComEd and the City of Chicago regarding renewable energy units and will be reporting back to the Board.

With respect to the PSC-5 Photovoltaic System, General Manager Martin noted that the size of the system to be installed had been reduced from its original 1,000 KW to 700KW in the award of Contract PSC-5 for cost savings purposes. General Manager Martin added, however, that the City of Chicago is currently searching and applying for available grants in order to provide the funds needed to have the Contract PSC-5 contractor install a larger system.

After Commissioner Poole confirmed that all five standpipes will be repainted both internally and externally, he then referred to the map found on page 29 of the draft CIP and requested that watermain titles be listed on the map reflecting the progression of the Corrosion Mitigation of Steel Water Mains project schedule.

In referring back to the Asset Management Program, Commissioner Maio asked if the Program keeps track of all Commission vehicle maintenance. Manager of Water Operations McGhee confirmed that the Asset Management Program tracks all Commission vehicle maintenance to better monitor costs.

Chairman Rathje inquired whether staff was considering applying for federal grants for a photovoltaic system at the DuPage Pumping Station. General Manager Martin estimated the cost of such a system at approximately \$11MM, stating that a photovoltaic system the DuPage Pumping Station should be very similar in design to the one at the Lexington Pumping Station. General Manager cautioned, however, that federal grants were not ideal because of all the requirements and that he believed the federal government was looking to fund construction, and not design, as a means of economic stimulus. Commissioner Poole noted that photovoltaic systems are extremely expensive at the present time but the cost should become more reasonable in the future. Commissioner Zay commented that perhaps it would be better to use any available federal funding for increasing the size of the Lexington Photovoltaic System.

Before moving to the next Agenda Item, Commissioner Maio questioned the estimated cost of engineering services for the project of repainting the Commission's five standpipes. Manager of Water Operations McGhee explained that the weather plays an important roll in the project and stated that air temperature and humidity have to be at acceptable levels to prevent failure. General Manager Martin added that the majority of the estimated cost was for resident engineering inspection services.

Minutes of the 1/8/09 Meeting

With no further discussion, Commissioner Zay moved to approve the Fiscal Year 2009-2010 Capital Improvement Plan. Seconded by Commissioner Mueller and unanimously approved by a Roll Call Vote:

Ayes: E. Chaplin, T. Elliott, L. Hartwig, W. Maio, G. Mathews, W. Mueller, A. Poole, F. Saverino, J. Zay, D. Zeilenga, and L. Rathje

Nays: None

Absent: T. Bennington and W. Murphy

Commissioner Elliott moved to approve Purchase Order No. 11108 in the amount of \$25,672.28 to Infor Global Solutions Inc. Seconded by Commissioner Zay unanimously approved by a Roll Call Vote:

Ayes: E. Chaplin, T. Elliott, L. Hartwig, W. Maio, G. Mathews, W. Mueller, A. Poole, F. Saverino, J. Zay, D. Zeilenga, and L. Rathje

Nays: None

Absent: T. Bennington and W. Murphy

The next agenda item was the discussion of the newly installed security fence at the DuPage Pumping Station. The memorandum included in the Board packet that described various options to address community dissatisfaction with the fence as installed was distributed to those in attendance. Commissioner Poole commented that "good fences make good neighbors and good neighbors make good fences." Commissioner Poole stated that he preferred Option No. 4 but also suggested immediately removing the barbed wire and replacing it with a dark vinyl coated fence that would look more aesthetically pleasing to the eight or nine homes that sit directly across from the fence.

In response to Commissioner Mathews questions, Facilities Construction Supervisor Bostick explained the reason behind fencing the entire property was to give the contractors a generous working area in an effort to avoid disturbing the mature trees and other landscape. Commissioner Mathews reminded the Board that although the Commission wants to work with the neighbors at the same time the contractors' accommodations should not be compromised.

Commissioner Maio advised that he preferred Option No. 3.

General Manager Martin noted that he had no objection to removing the barbed wire immediately so long as it would be re-installed once the future reservoir was installed. General Manager Martin also noted that he did not choose to install a vinyl coated fence because he was trying to minimize costs.

Minutes of the 1/8/09 Meeting

Commissioner Hartwig asked staff for their opinion from a liability standpoint. General Manager Martin stated that the public has used the area as a park and for snowmobiling which could result in accidents occurring. Commissioner Hartwig stated that he didn't have a problem with the public using the area as a park unless it becomes a liability issue and suggested posting "No Trespassing" signs to relieve the Commission of any liability concerns.

Commissioner Maio expressed that he is not in favor of tearing down the fence and shared his opinion based upon many years of experience with the County of DuPage Forest Preserve District in that although you understand the concerns of your neighbors you also have an obligation to do what is best for all concerned.

General Manager Martin clarified that although no accidents have been reported involving the use of the property, at the present time it is being used for construction and security purposes.

After General Manager Martin answered Commissioner Elliott's question that there would be no construction interference with moving the fence line back, it was the consensus of the Board to have staff invite the neighbors to meet and discuss all options for a consensus and report back to Board at the February meeting.

ACCOUNTS PAYABLE

Commissioner Zay moved to approve the Accounts Payable in the amount of \$4,789.98 subject to submission of all contractually required documentation. Seconded by Commissioner Hartwig and unanimously approved by a Roll Call Vote:

Ayes: E. Chaplin, T. Elliott, L. Hartwig, W. Maio, G. Mathews, W. Mueller, A. Poole, F. Saverino, J. Zay, D. Zeilenga, and L. Rathje

Nays: None

Absent: T. Bennington and W. Murphy

EXECUTIVE SESSION

Commissioner Hartwig moved to go into Executive Session to discuss matters related to personnel pursuant to 5 ILCS 120/2(c)(1) and (2). Seconded by Commissioner Elliott and unanimously approved by a Roll Call Vote:

Ayes: E. Chaplin, T. Elliott, L. Hartwig, W. Maio, G. Mathews, W. Mueller, A. Poole, F. Saverino, J. Zay, D. Zeilenga, and L. Rathje

Nays: None

Absent: T. Bennington and W. Murphy

Minutes of the 1/8/09 Meeting

The Board went into Executive Session at 8:50 P.M.

Commissioner Maio moved to come out of Executive Session at 8:59 P.M. Seconded by Commissioner Elliott and unanimously approved by a Voice Vote.

All voted aye. Motion carried.

Commissioner Hartwig moved to approve the fiscal year 2008-2009 base salary increase for certain personnel in accordance with the discussion in Executive Session. Seconded by Commissioner Elliott and unanimously approved by a Roll Call Vote:

Ayes: E. Chaplin, T. Elliott, L. Hartwig, W. Maio, G. Mathews, W. Mueller, A. Poole, F. Saverino, J. Zay, D. Zeilenga, and L. Rathje

Nays: None

Absent: T. Bennington and W. Murphy

Before the meeting adjourned, Commissioner Chaplin requested that a letter be sent to customers reminding them of the importance of well maintenance. General Manager Martin confirmed that it would be acceptable to Commissioner Chaplin if instead of a letter, the Manager of Water Operations mentioned the reminder at the January 9, 2009, Operators Round Table meeting and included the reminder in the Round Table meeting minutes which would be distributed to all customers.

Commissioner Maio moved to adjourn the meeting at 9:00 P.M. Seconded by Commissioner Zay and unanimously approved by a Voice Vote.

All voted aye. Motion carried.