

**MINUTES OF A MEETING OF THE  
DuPAGE WATER COMMISSION  
HELD ON THURSDAY, JULY 9, 2009  
600 E. BUTTERFIELD ROAD  
ELMHURST, ILLINOIS**

The meeting was called to order by Chairman S. Louis Rathje at 7:37 P.M.

Commissioners in attendance: T. Bennington, E. Chaplin (teleconference), T. Elliott, W. Maio, G. Mathews, W. Mueller, W. Murphy, A. Poole, F. Saverino, J. Zay, and L. Rathje

Commissioners Absent: L. Hartwig and D. Zeilenga

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

**PUBLIC COMMENTS**

None

**APPROVAL OF MINUTES**

Commissioner Elliott moved to approve the Minutes of the June 11, 2009 Regular Meeting of the DuPage Water Commission. Seconded by Commissioner Mueller 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 June 2009 which showed receipts of \$7,268,933.00, disbursements of \$8,114,571.00, and a cash and investment balance of \$66,007,646.00.

Commissioner Saverino moved to accept the June 2009 Treasurer's Report. Seconded by Commissioner Zay and unanimously approved by a Voice Vote.

All voted aye. Motion carried.

**COMMITTEE REPORTS**

**Administration Committee – Reported by Commissioner Murphy**

Commissioner Murphy reported that the Administration Committee reviewed all items listed on the Administration Committee agenda and specifically the requests from Illinois American Water and the City of Aurora for water service. Commissioner Murphy explained the nature of the requests, the issues outlined by staff that need to be evaluated before a determination or recommendation can be made, and the need for additional information from Illinois American Water. After Commissioner Murphy stated that it was the recommendation of the Administration Committee to proceed with

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evaluating only the request from the City of Aurora, Commissioner Murphy moved to direct staff to evaluate the issues related to providing water service to the City of Aurora. Seconded by Commissioner Zay and unanimously approved by a Voice Vote.

All voted aye. Motion carried.

### **Engineering & Construction Committee – Reported by Commissioner Maio**

Commissioner Maio reported that the Engineering & Construction Committee reviewed and recommended for approval all items listed on the Engineering & Construction Committee Agenda. Commissioner Maio further reported that construction still continues at the DuPage Pumping Station and that staff is still waiting for the City of Chicago to finish their permitting process which is expected sometime this month.

### **Finance Committee – Reported by Commissioner Mathews**

Commissioner Mathews reported that the Finance Committee reviewed and recommended for approval all items listed on the Finance Committee Agenda. Commissioner Mathews further reported that discussion of the City of Chicago and the DuPage Water Commission's water rate increases was discussed and recommended for further discussion at the August Committee meeting, noting the potential revenue loss during the months of January – May if the Commission's water rate increase does not coincide with the City of Chicago's.

### **CHAIRMAN'S REPORT**

Chairman Rathje began his report by referring to the two ordinances listed on the Regular Commission Agenda for Board consideration.

Chairman Rathje reported that the County of DuPage is requesting approval of an Intergovernmental Agreement concerning the construction and operation of a joint facility for the Glen Ellyn Heights Service Area and approval of an Intergovernmental Agreement concerning the construction and operation of a joint facility for the Hobson Valley (Greene Road) Service Area. After noting that staff has been trying to complete various easement acquisitions for facilities that have already been installed by tying approvals together, Chairman Rathje informed the Board that Chairman Schillerstrom signed the easement agreement that both the County and the Commission approved in 1988 for the Northwest Transmission Main along the Great Western Trail in exchange for \$450,000.00. Chairman Rathje added that even though there were still a few outstanding items that the County needed to address (primarily relating to the sufficiency of the legal descriptions in the easement agreement to encompass all Great Western Trail facilities), the County promised to promptly address them and, as such, construction of the joint facilities would proceed in order to avoid delaying water service to the Glen Ellyn Heights Service Area and the Hobson Valley (Greene Road) Service Area.

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Chairman Rathje then introduced Nick Kottmeyer, the representative for the County of DuPage, and thanked him for his help in fine-tuning the joint facility agreements and in resolving outstanding easement issues with General Manager Martin and Staff Attorney Crowley. With respect to the schedule for supplying water to the County to serve the Glen Ellyn Heights Service Area and the Hobson Valley (Greene Road) Service Area, Chairman Rathje then noted once both ordinances were adopted, staff would seek bids for the construction of the joint facilities by August 10, 2009, the contract(s) awarded at the September meeting, and water service available by March of 2010.

Chairman Rathje then advised the Board that the Commission would be hosting a water conservation breakfast this year and had invited author Dave Dempsey as the guest speaker to discuss his books *On the Brink: The Great Lakes in the 21<sup>st</sup> Century* and *Great Lakes for Sale: From Whitecaps to Bottlecaps*. Chairman Rathje noted that the breakfast will be held at Bobak's Signature Room on November 17, 2009 from 8:00am – 12:00pm and asked the Board to mark their calendars accordingly.

As promised at the June Commission Meeting, Chairman Rathje advised that the Executive Assistant had polled the Commissioners who did not attend the June meeting regarding the Board's annual holiday party and the consensus reached at the June meeting did not change. Thus, Chairman Rathje advised the Board that the rapport building event would proceed as budgeted on December 18, 2009, at *The Clubhouse*, but with a pay-your-own-alcoholic beverage dinner.

Chairman Rathje concluded his report by informing the Board that General Manager Martin met with the City of Naperville regarding the relocation of the Commission's transmission main in the vicinity of 75<sup>th</sup> and Washington Streets, noting that the Intergovernmental Agreement to fully reimburse the Commission's relocation costs needed to be completed within the first two weeks of August in order to stay on schedule.

### **MAJORITY OMNIBUS VOTE AGENDA**

Commissioner Chaplin requested that Resolution No. R-38-09 be removed from the Majority Omnibus Vote Agenda for separate consideration.

Commissioner Murphy moved to adopt Resolution No. R-40-09: A Resolution Approving a First Amendment to the Landscape Maintenance Services Contract between the DuPage Water Commission and Acres Enterprises, Inc. Seconded by Commissioner Elliott and unanimously approved by a Roll Call Vote:

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

Nays: None

Absent: L. Hartwig and D. Zeilenga

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Commissioner Zay moved to adopt Resolution No. R-38-09: A Resolution Approving and Ratifying Certain Task Orders Under a Master Contract with Peters & Associates, Inc. at the July 9, 2009, DuPage Water Commission Meeting. Seconded by Commissioner Saverino.

Before the vote was called, Commissioner Chaplin asked how much more work needs to be done by Peters & Associates. After General Manager Martin explained that Peters & Associates is retained as needed for individual projects, the motion was approved by a Roll Call Vote:

Ayes: T. Bennington, T. Elliott, W. Maio, G. Mathews, W. Mueller, W. Murphy, A. Poole, F. Saverino, J. Zay, and L. Rathje

Nays: E. Chaplin

Absent: L. Hartwig and D. Zeilenga

**SUPER/SPECIAL MAJORITY OMNIBUS VOTE AGENDA**

Commissioner Bennington 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 Mathews and unanimously approved by a Roll Call Vote:

**Super/Special Majority Omnibus Vote**

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

Nays: None

Absent: L. Hartwig and D. Zeilenga

Item 1: Ordinance No. O-9-09: An Ordinance Amending Ordinance No. O-2-09, being "An Ordinance Approving and Authorizing the Execution of an Intergovernmental Agreement between the DuPage Water Commission and the County of DuPage Concerning the Construction and Operation of a Joint Facility for the Glen Ellyn Heights Service Area"—"Super/Special Majority Omnibus Vote"

Item 2: Ordinance No. O-10-09: An Ordinance Amending Ordinance No. O-3-09, being "An Ordinance Approving and Authorizing the Execution of an Intergovernmental Agreement between the DuPage Water Commission and the County of DuPage Concerning the Construction and Operation of a Joint Facility for the Hobson Valley (Greene Road) Service Area"—"Super/Special Majority Omnibus Vote"

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- Item 3: Resolution No. R-36-09: A Resolution Approving and Ratifying Certain Contract Change Orders at the July 9, 2009, DuPage Water Commission Meeting—"Super/Special Majority Omnibus Vote"
- Item 4: Resolution No. R-37-09: A Resolution Approving and Ratifying Certain Work Authorization Orders Under Quick Response Contract QR-8/08 at the July 9, 2009, DuPage Water Commission Meeting—"Super/Special Majority Omnibus Vote"
- Item 5: Resolution No. R-39-09: A Resolution Approving and Ratifying Certain Task Orders Under a Master Contract with Patrick Engineering, Inc. at the July 9, 2009, DuPage Water Commission Meeting—"Super/Special Majority Omnibus Vote"
- Item 6: Resolution No. R-41-09: A Resolution Approving a First Amendment to Task Order No. 10 Under the Master Contract with Patrick Engineering, Inc. —"Super/Special Majority Omnibus Vote"

### **OLD BUSINESS**

Chairman Rathje referred to a memorandum regarding the Commission's Water Conservation Program and asked Water Operations Manager McGhee to give a brief summary of the program's progress. Water Operations Manager McGhee stated that the development of the program is now complete and the working group continues with developing the following:

- educational materials
- website development
- displays of rain barrels for residential landscaping use
- working with schools in DuPage County
- holding a Green Day festival like other communities

Water Operations Manager McGhee concluded his summary by stating that the Commission is trying to get the message out that we must all work together to conserve our water supply and mentioned that the official rollout will be November 17<sup>th</sup> at the Commission's Water Conservation breakfast.

Commissioner Zay commented that he thought it was a great program. Commissioner Chaplin asked whether the rain barrel equipment will be donated or sold to the various communities. Water Operations Manager McGhee replied that some of the equipment will be used in the training seminar(s) and also made available for purchase by the utility customers.

**NEW BUSINESS**

Before moving on to the accounts payable, Commissioner Elliott asked staff to clarify why there were two Holland & Knight invoices. Staff Attorney Crowley explained that due to the lack of a sufficient number of municipal Board members in attendance at the June meeting, review and approval of the May Holland & Knight invoice was deferred to the July meeting.

**ACCOUNTS PAYABLE**

Commissioner Murphy moved to approve the Accounts Payable in the amount of \$5,842.00 subject to submission of all contractually required documentation. Seconded by Commissioner Mathews and unanimously approved by a Roll Call Vote:

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

Nays: None

Absent: L. Hartwig and D. Zeilenga

**EXECUTIVE SESSION**

None

Before the meeting was adjourned, Commissioner Chaplin asked Commissioner Mathews to explain the discussion relating to the increase in water rates that took place during the Finance Committee. Commissioner Mathews reiterated that the Finance Committee discussed whether there was a more appropriate date for customer rate increases. Commissioner Mathews noted that the Board needs to take careful consideration to the loss of revenue during the months of January through March should the Board decide not to raise water rates to coincide with the City of Chicago's rate increase. Commissioner Mathews concluded by noting that the customers should be given enough fair warning of the potential upcoming increase to better plan their budgets and therefore suggested further discussion at the August meeting.

Commissioner Maio moved to adjourn the meeting at 8:05 P.M. Seconded by Commissioner Saverino and unanimously approved by a Voice Vote.

All voted aye. Motion carried.