

**MINUTES OF A MEETING OF THE
DU PAGE WATER COMMISSION
HELD ON THURSDAY, NOVEMBER 14, 2002
600 E. BUTTERFIELD ROAD
ELMHURST, ILLINOIS**

The meeting was called to order by Chairman Michael Vondra at 7:32 P.M.

Commissioners in attendance: R. Benson, E. Chaplin, L. Hartwig, J. Janicik, W. Mueller, N. Pollock, R. Thorn, R. Tolentino, G. Wilcox and M. Vondra

Also in attendance: J. Holzwart, R. Martin, E. Nawrocki, R. Skiba, D. Eckmann (AB&H), and M. Crowley (H&K).

PUBLIC COMMENTS

John Pieper, representing residents of Suburban Estates, advised the Board that he wished to make comments regarding Resolution R-44-02. Chairman Vondra asked Mr. Pieper to hold those comments until the report by the Special Task Force on that matter.

Commissioner Janicik indicated that the October 10, 2002 meeting minutes should be revised to reflect that he abstained from voting on the approval of the Accounts Payable.

Commissioner Hartwig moved to approve the revised Minutes of the October 10, 2002 meeting of the DuPage Water Commission. Seconded by Commissioner Wilcox and unanimously approved by a Voice Vote.

All voted aye. Motion carried.

The Treasurer's Report for the month of October 2002 showed receipts of \$8,796,539.67, disbursements of \$4,698,425.41 and a cash and investment balance of \$197,760,622.83.

Commissioner Thorn moved to accept the October 2002 Treasurer's Report. Seconded by Commissioner Wilcox and unanimously approved by a Voice Vote.

All voted aye. Motion carried.

COMMITTEE REPORTS

Administration Committee – No meeting

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Engineering Committee – Report by Commissioner Wilcox

The Engineering Committee reviewed the additional engineering in the amount of \$1,713.04 and recommended approval of Resolution R-43-02 during the Omnibus Vote Agenda.

The Engineering Committee reviewed change orders in the amount of \$35,848.56 and recommended approval of Resolution R-42-02 during the Omnibus Vote Agenda.

The Engineering Committee reviewed progress payments in the amount of \$1,198,333.21 and recommended approval as part of the Accounts Payable, subject to submission of all contractually required documentation.

The Engineering Committee reviewed the reductions in retention for Contracts MS-14 and SS-3 in the amount of \$152,219.26 and recommended approval as part of the Accounts Payable, subject to submission of all contractually required documentation.

Finance Committee – Report by Financial Administrator

The Finance Committee meeting was not held due to lack of a quorum.

Commissioner Mueller moved to accept the cash and investment review report dated September 19, 2002 by McGladrey & Pullen, LLP. Seconded by Commissioner Wilcox and unanimously approved by a Voice Vote.

All voted aye. Motion carried.

Commissioner Thorn moved to ratify and approve the liability and property insurance coverages bound by the General Manager on November 1, 2002. Seconded by Commissioner Benson and approved by a Roll Call Vote:

Ayes: R. Benson, E. Chaplin, L. Hartwig, W. Mueller, N. Pollock, R. Thorn, R. Tolentino, G. Wilcox and M. Vondra

Nays: None

Abstain: J. Janicik

Special Task Force – Report by Chairman Vondra

The Special Task Force reviewed the status of the various intergovernmental agreements concerning the provision of Lake Michigan water to areas of DuPage County affected by contamination.

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Commissioner Wilcox moved that that Downers Grove Gardens, Belmont Park and North Belmont Park be deemed to qualify and be designated as a primary service area, and to approve the estimated budget of \$5,255,000 and direct staff to proceed with preparation of the necessary implementing agreement with Downers Grove. Seconded by Commissioner Thorn and unanimously approved by a Voice Vote.

All voted aye. Motion carried.

Chairman Vondra reported that Lisle is working on the proposed terms for an implementing agreement with the Commission for Lockformer Area B in unincorporated Lisle but that no formal action was currently required.

Chairman Vondra explained that Resolution R-44-02 would approve an implementing agreement with Woodridge for the Suburban Estates Service Area. The Commission then heard from Attorney John Pieper, Woodridge Village Administrator John Perry and resident Teresa Lohse.

Chairman Vondra concluded his report by noting that staff was directed to notify the Illinois Environmental Protection Agency that the Commission urges favorable consideration of the Illinois Environmental Protection Agency grant requests submitted by Downers Grove, Lisle and Woodridge.

Omnibus Agenda

Chairman Vondra requested that Resolution R-45-02 be removed from the Omnibus Agenda for separate consideration.

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

Ayes: R. Benson, E. Chaplin, L. Hartwig, J. Janicik, W. Mueller, N. Pollock, R. Thorn, R. Tolentino, G. Wilcox and M. Vondra

Nays: None

Item 1. Ordinance O-11-02: An Ordinance Amending the By-Laws of the DuPage Water Commission (Amending Section 7 of Article II) – “Omnibus Vote”

Item 2. Resolution R-42-02: A Resolution Approving Certain Contract Change Orders at the November 14, 2002 DuPage Water Commission Meeting – “Omnibus Vote”

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- Item 3. Resolution R-43-02: A Resolution Approving Certain Additional Engineering Services at the November 14, 2002 DuPage Water Commission Meeting – “Omnibus Vote”
- Item 4. Resolution R-44-02: A Resolution Authorizing the Execution of an Intergovernmental Agreement Concerning the Implementation of Water Service to the Suburban Estates Service Area in Unincorporated DuPage County – “Omnibus Vote”

Commissioner Benson moved to approve Resolution R-45-02: A Resolution Approving and Authorizing the Execution of a Settlement Agreement with John Neri Construction Company, Inc. Seconded by Commissioner Chaplin and approved by a Roll Call Vote:

Ayes: R. Benson, E. Chaplin, L. Hartwig, J. Janicik, W. Mueller, N. Pollock, R. Thorn, R. Tolentino and G. Wilcox

Nays: None

Abstain: M. Vondra

OLD BUSINESS

NEW BUSINESS

Commissioner Chaplin moved to approve Purchase Order No. 7185 in the amount of \$22,475.00 to Elmhurst Ford. Seconded by Commissioner Thorn and unanimously approved by a Roll Call Vote:

Ayes: R. Benson, E. Chaplin, L. Hartwig, J. Janicik, W. Mueller, N. Pollock, R. Thorn, R. Tolentino, G. Wilcox and M. Vondra

Nays: None

Commissioner Pollock moved to approve Purchase Order No. 7196 in the amount of \$31,697.00 to Oakfield Ford. Seconded by Commissioner Thorn and unanimously approved by a Roll Call Vote:

Ayes: R. Benson, E. Chaplin, L. Hartwig, J. Janicik, W. Mueller, N. Pollock, R. Thorn, R. Tolentino, G. Wilcox and M. Vondra

Nays: None

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ACCOUNTS PAYABLE

Commissioner Wilcox moved to approve the Accounts Payable in the amount of \$5,074,441.29, subject to submission of all contractually required documentation. Seconded by Commissioner Thorn and unanimously approved by a Roll Call Vote:

Ayes: R. Benson, E. Chaplin, L. Hartwig, J. Janicik, W. Mueller, N. Pollock, R. Thorn, R. Tolentino, G. Wilcox and M. Vondra

Nays: None

PUBLIC COMMENTS – No public comments

Commissioner Janicik moved to recess and then reconvene in 10 minutes into Executive Session to discuss pending, probable or imminent litigation pursuant to 5 ILCS 120/2(c) (11). Seconded by Commissioner Thorn and unanimously approved by a Roll Call Vote:

Ayes: R. Benson, E. Chaplin, L. Hartwig, J. Janicik, W. Mueller, N. Pollock, R. Thorn, R. Tolentino, G. Wilcox and M. Vondra

Nays: None

The Commission went into Executive Session at 8:45 P.M.

Commissioner Wilcox moved to come out of Executive Session at 9:45 P.M. Seconded by Commissioner Janicik and unanimously approved by a Voice Vote.

All voted aye. Motion carried.

Commissioner Wilcox moved to create a Special Task Force on C Factors and to approve Chairman Vondra's appointment of Chairman Vondra as Chairman of the Special Task Force on C-Factors, and Warren Green from Alvord, Burdick & Howson and Commissioners Thorn, Wilcox, Poole Tolentino as additional members of the Special Task Force. Seconded by Commissioner Chaplin and unanimously approved by a Voice Vote.

All voted aye. Motion carried.

Commissioner Wilcox moved to adjourn the meeting at 9:50 P.M. Seconded by Commissioner Janicik and unanimously approved by a Voice Vote.

All voted aye. Motion carried.