

# Minutes

## April 11, 2023- Board Meeting

On April 11, 2023, the Board of Trustees of the Lake County Public Water District met in a regularly scheduled meeting at the hour of 5:30 p.m. in the conference room of the District, 500 –17th Street, Zion, Illinois. Chairman Topcik opened the meeting at approximately 5:30 p.m. Upon the roll being called, Trustees Topcik, Ruchti, Walsh, Baillie, Moe, and Jaeger were present. Trustee Monk arrived at 5:45 p.m. Also present were General Manager Don White, and Administrative Assistant/Board Secretary Karen Johnston. District Attorney Dan Kucera was present via telephone.

Chairman Topcik then indicated that he would accept a motion to place the following items on a consent agenda and to accept that consent agenda. Trustee Walsh requested that the disbursements be pulled for discussion. Trustee Jaeger made a motion to approve the consent agenda with the following items, which was seconded by Trustee Ruchti. Chairman Topcik asked if discussion was desired for those items, as there was none, and upon the vote, the motion was carried unanimously.

- 4) Regular\_Session Minutes of February 14, 2022
- 6) Treasurer’s Report for February 28, 2023
- 7) Budget Report for February 28, 2023
- 8) End of month February 28, 2023 - Monthly Operation Summation

Trustee Walsh asked if the bill for Graefe & Hansen was for personnel. Trustee Walsh made a motion to approve the Disbursements list, which was seconded by Trustee Moe. Chairman Topcik asked if any further discussion was desired. As there was no further discussion, and upon the vote, the motion was carried unanimously.

### OPERATIONS & MAINTENANCE ACCOUNT April 2023 – Disbursements

ACCT. #	VENDOR NAME	DESCRIPTION	AMOUNT DUE
2920	FICA Withholding Taxes (EE Portion)	Mar-23	4,191.41
2921	Federal Withholding Taxes	Mar-23	6,993.82
2922	IL Department of Revenue	Monthly Remittance	1,735.14
2923	WI Department of Revenue	Monthly Remittance	738.28
2925	IDES	Mar-23 Unemployment	58.59
7205	FICA Withholding Taxes (ER Portion)	Mar-23	4,191.41
7255	Correll Co.	Mar-23	7,861.34
7211	Commonwealth Edison	Electricity - Feb-23	89.07
7211	Constellation	Electricity - Feb-23	14,080.00
7215	FedEx	Shipping Charges	31.61
7215	Pace Analytical Services	Sample Testing	258.50
7215	UPS	Shipping Charges	19.83

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7221	Nalco	Nalclear Shipment	519.60
7221	Univar	Hydrofluosilicic Acid Shipment	8,215.80
7222	Ace Hardware	Misc. Supplies	201.97
7222	Grainger Inc., W.W.	Misc. Supplies	3,008.71
7222	Hach	Lab Supplies	313.22
7223	FLW, Inc.	Maintenance Supplies	164.50
7223	Swan Analytical Instruments	Maintenance on Meter	265.00
7223	Vortex Technologies	Meter Calibration	900.00
7225	Concentric Integration	2022-2023 Support Services	226.25
7225	Hansen Associates, Inc.	May-23 Copier Maintenance	65.00
7225	NIR Roof Care	Annual Roof Care Plan	1,416.00
7231	DeLage Financial	May-23 Copier Lease	161.76
7232	AT&T	Telephone Service	1,138.26
7232	Verizon Wireless	Cellular Phone/Data Service	640.32
7234	FedEx	Shipping Charges	38.92
7234	GoFlo	Annual Web Hosting	645.00
7235.2	AARP Medical	Medical Insurance for Diane Fragassi	356.75
7235.2	AARP Prescription	Prescription coverage for Diane Fragassi	113.00
7235.2	Blue Cross/Blue Shield	May-23 Health Insurance	8,944.84
7235.2	Euclid Managers (Delta Dental)	May-23 Dental/Vision	402.66
7235.2	Principal Insurance	May-23 Disability/AD&D	645.44
7237	Hungerford Technologies	WebEx Service - Teleconference Meeting	26.00
7241	Your Payroll Dept.	Payroll Fees - Mar-23	324.62
7242.17	Graefe & Hansen, Ltd.	Legal Fees - Mar-23	112.50
7242	Kucera, Daniel	Legal Fees - Mar-23	3,015.00
7243	Baxter & Woodman	Prof. Serv. - Source Water Protection Plan	1,452.00
7243	Clark Dietz, Inc.	Prof. Serv.-Arc Flash Study/Consulting	4,862.50

## FIRST BANKCARD

	Acct. 7223	Misc. Supplies	352.78
	Acct. 7225	Maintenance Contract	36.65

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	Acct. 7234	Office Supplies	54.49
	Acct. 7236	Transportation	155.17
	Acct. 7237	Meetings/Seminars	243.34
	Acct. 7238	Dues/Subscriptions	27.72
	Acct. 7251	Miscellaneous	76.98
		<b>Total First Bankcard</b>	947.13
		<b>Grand Total - Operations</b>	<b>\$79,371.75</b>

## R&R

ACCT. #	VENDOR NAME	DESCRIPTION	AMOUNT DUE
7300.16	Dahme Mechanical	Replace 14" Butterfly Valve - Filter #3	15,300.00
		<b>Grand Total - R&amp;R</b>	<b>\$15,300.00</b>

## COMMITTEE REPORTS

Chairman Topcik asked if there were any committee reports that evening. He asked Trustee Moe, Chairman of the Employer/Employee Relations committee if he had a report. Trustee Moe stated that he did not have a report, but was working with Secretary Johnston to set up an appointment to meet with the employees. He indicated that he was anticipating a meeting for the first Wednesday in May, where the employees would all be present. At that time, he and Trustee Jaeger would interview each employee.

Chairman Topcik asked Trustee Ruchti, Chairman of the Salary committee, if he had anything, although it was early for that committee to have a report. There was no report from this committee.

Chairman Topcik asked Trustee Walsh, Chairman of the Nominations committee, if he had a report. Trustee Walsh stated that he emailed the entire board a copy of the Nominations committee report. Chairman Topcik indicated concern that the distribution of the report in that manner may not have complied with the Open Meetings Act (OMA) Trustee Walsh stated that technically it was not. Chairman Topcik indicated that it was. Trustee Walsh stated that it was technically informational only. Chairman Topcik stated that as Trustee Walsh had addressed it to every board member, it did violate OMA. Again, Trustee Walsh stated that as it was only informational it did not. He stated he did not ask for a decision, information, or input. He indicated that this was per the Lake County States Attorney.

Secretary Johnston asked for the floor. Secretary read the section from the OMA defining what constitutes a meeting: **"Meeting"** means any gathering, whether in person or by video or audio conference, telephone call, electronic means (such as, without limitation, electronic mail, electronic chat, and instant messaging), or other means of contemporaneous interactive communication, of a majority of a quorum of the members of a public body held for the purpose of discussing public business or, for a 5-member public body, a quorum of the members of a public body held for the purpose of discussing public business. 5 ILCS 120/1.02." Trustee Walsh stated that he spoke with the Lake County State's attorney and was advised that because it was informational, it was not a meeting.

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Secretary Johnston stated that Trustee Walsh was allowed to provide information to the board, but it should go through her, as per Robert's Rules of Order. Chairman Topcik indicated that the article Trustee Walsh provided was beneficial, however, he indicated that it should be sent to Secretary Johnston for distribution. Trustee Walsh asked if it was in the by-laws. Secretary Johnston stated that the board did not have by-laws, but operated per Robert's Rules of Orders (per OMA). Trustee Walsh felt that the board should make by-laws, as he did not know this.

Secretary Johnston stated that she was attempting to address several housekeeping issues with all board members, and this particular issue was regarding OMA. She stated that this issue related to all board members, and wanted to address the board as a whole. Chairman Topcik concurred. Trustee Walsh again indicated that he had attempted to provide information ahead of the meeting, so they had something to review. Secretary Johnston again stated that it was her position to distribute materials to the board, per Robert's Rules of Order. She read and provided the section from Robert's Rules of Orders, that indicates the secretary is to provide documents to the board members. She stated that she would send to the board members whatever documents they wished. Trustee Walsh stated that in the years he had been on the board he had not been provided this information. Secretary Johnston stated that she had also not entirely known the procedures until she had done her OMA training, which is what prompted her to remind the board of the proper procedures.

Chairman Topcik then asked Trustee Walsh if he would like to present the Nominations Committee report. Trustee Walsh proceeded to outline his report. He indicated that he had spoken with Trustee Monk, the other member of the Nominations Committee. He indicated that they spoke at length, and the only change they were proposing was to change the position of vice-chair. Trustee Walsh stated that the recommendation was that he, Trustee Walsh, step into that position. Chairman Topcik asked whether they had asked the current Vice-Chair if he wished to continue. Trustee Walsh stated as this was a nominating committee, that he thought a nomination was a starting point for a discussion of the position. Trustee Monk arrived at 5:45 p.m. Trustee Walsh advised Trustee Monk that the board was discussing the nominations committee. Discussion continued of the vice-chairman position. Trustee Walsh stated that he did not think that this was the point of the nominations committee.

Trustee Walsh advised Trustee Monk that it had been stated that Trustee Walsh had violated the OMA by sending the report to the entire board. Trustee Monk asked in what regard there was a violation. Trustee Walsh stated that he had been advised by creating an illegal meeting, the violation occurred. Trustee Monk asked what the attorney said. The attorney stated he had not been asked, nor did he have background information. However, in it was his understanding from what had just been said, that the argument was that if a communication is sent out to more than three out of the four people that constitute a quorum, in a communication situation where that person could respond, that would not be appropriate under the OMA. Attorney Kucera said he could understand Secretary Johnston's position on this matter. Attorney Kucera said out that Secretary Johnston's point is that it should go through the board secretary, thus avoiding any issues. Secretary Johnston directed Trustee Monk's attention to the handout provided to the board. Trustee Monk felt it did not create a meeting. Chairman Topcik stated that business should now move on. Discussion of the nominations committee followed.

## UNFINISHED BUSINESS

- **Grant Writing Services/State Revolving Loan Program** – General Manager White stated that this subject is still on hold until the contracts are negotiated.
- **Discussion of Contract Extensions** – General Manager White stated that he emailed Ray Roberts of Zion Public Works after the elections. Ray responded stating that he planned on placing this item on the May

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Agenda. He also stated there would be some suggested changes to the contract. Discussion of this subject followed.

- **Update of application for Professional Services for Completion of Application for Lake County American Rescue Plan Project** – General Manager White stated that he sent an email to all the board members that contained a chart listing the current awards for the ARPA funds. He included that chart in the board packet. He indicated that he checked the website every day and there had not been any updates as of April 5. Discussion of this subject followed.
- **End of Year Projections for availability & R&R charges, and update on Facilities Cost Estimate** – General Manager White provided his end of year projections for the availability and R&R charges. He went on to explain that the availability charges are the charges for the principal and interest for the outstanding bond issue. These numbers are fixed and not dependent on water sales. He then reviewed the estimated R&R charges. Based on the updated estimated Facilities Replacement Cost received from Clark Dietz of \$35,712,000 (a 5.3% increase), the R&R charges should increase from \$15,045/month to an estimated \$15,919.92/month or \$874.12/month for fiscal year 2024. Discussion of this subject followed.
- **Estimated refund and estimated water rate for FY2024** – General Manager White provided the estimated refund and water rate for the coming fiscal year. He stated that the current estimate for the District's customer's refunds is showing an increase from fiscal year 2023. This is due to an estimated decrease in water sales, decreased depreciation, and increased expenses. It is estimated that the water rate will be \$1.6448, up from \$1.5630. Discussion of this subject followed.
- **Draft Budget** – General Manager White included his list of line items, and the estimated budget. He discussed the proposed budget line items for fiscal year 2024, explaining where he would increase or decrease them. Discussion of this subject followed.
- **Update of Chlorine Feed Room Pipe Repair** – General Manager White stated that on March 22, 2023, he sent an email to the entire board with a video showing a leak from the chlorine piping system. He proceeded to explain the severity of the leak, and the need for expediency in this matter. He then stated that he contacted Ernie Peterson Plumbing, who had quoted on the project previously, to see if their quote was still valid. The quote was still valid, and General Manager White scheduled them to start the work. He then proceeded to outline the work and the project schedule. He also advised that the cost of the project was approximately \$33,000. Discussion of this subject followed.

## NEW BUSINESS

- **Approval of Agreement for Billing Arrangement** – General Manager White advised that the State has made a connection to Zion's 12-inch AC line on Wadsworth Road. The purpose was for redundant feeds in the south unit. The State did inquire of General Manager White as to how to put this line in service. Upon speaking with Ray Roberts, of Zion Public Works, and obtaining the needed information, General Manager White inquired of Mr. Roberts whether there was an agreement in place between Zion and the State as to the billing for this. Mr. Roberts indicated that there was no formal agreement. The State also stated that there was no formal agreement. General Manager White asked the IDNR to write a letter of agreement, however, their response was that the District was the supplier and should be the one to provide the formal agreement. General Manager White requested that Attorney Kucera write a proposed agreement. A copy of that agreement was included in the board packet. Discussion of this subject followed. Trustee Walsh

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made a motion to accept this preliminary draft agreement, subject to the District's customer's agreement, which was seconded by Trustee Jaeger. Chairman Topcik asked if discussion was desired for those items, as there was none, and upon the vote, the motion was carried unanimously.

- **Approval of Concentric Support Services Agreement** – General Manager White included the Concentric Services agreement for fiscal year 2024. He advised that this agreement covers the Scada System and hardware, and explained what is covered under the agreement. He stated that he is still waiting for the budgetary memorandum from Concentric, and anticipated receiving that the following week. He also stated that the terms and conditions were the same as the previous year, which Attorney Kucera has reviewed and approved. Trustee Ruchti made a motion to approve the agreement, which was seconded by Trustee Jaeger. Chairman Topcik asked if any further discussion was desired. As there was no further discussion, and upon the vote, the motion was carried unanimously.
- **Annual Drinking Water Report (CCR)** – General Manager White stated that the annual water quality report (attached) had been completed, and was delivered to the District's customers on March 29. The law requires that the District's customers receive the CCR no later than April 1st. The District has met all current regulatory requirements set by the EPA for reporting in year 2022. PFAS is included in the report, as the District did sample for that in 2022. It is an unregulated compound and was required to be included. General Manager White included a document with the CCR from the AWWA addressing the EPA's proposed changes to the CCR. However, he indicated that Attorney Kucera would be discussing this later in the meeting.
- **Discussion of Cyber Security** – General Manager White advised that the District's insurance provider had new cyber security requirements. In addition, the EPA has new requirements on this matter, as well. To that end, he needed to find a company that could provide this type of security. He indicated that he had contacted several firms, and that they have provided similar packages, but they also have some differences that need to be analyzed. He indicated that there is some question of whether the EPA will require governmental rather than a commercial product. He stated that he had discussed this subject with Concentric and would have more information at the next board meeting.
- **Discussion and Approval to obtain bids for repairs & maintenance of manhole servicing Winthrop Harbor and the State of Illinois** – General Manager White stated that the valve manhole that is located along Kellogg Creek and the railroad tracks just north of 17th street is in jeopardy of being undermined by Kellogg Creek. He indicated that he had contacted the IDNR on this issue, and suggested that the District place stone around the manhole. He provided the proposed route and location of the manhole, and thought that the manhole was on the State's property, however, it was discovered that it is on Commonwealth Edison's property. He also stated that he had Michels Corporation stop to look at site, and asked how they would stabilize the manhole. General Manager White stated that there is a problem with getting equipment in near the power lines. He stated that after contacting Commonwealth Edison, they supplied the required paperwork (Environmental Due Diligence Checklist for ROW Land Use Requests). This paperwork is asking about permits from numerous agencies, and other criteria. In addition, he contacted Hey & Associates for a proposal to specify the scope of the work for the repair and necessary permitting. General Manager White stated that he anticipated having this for the next board meeting. Discussion of this subject followed.
- **Bond Principal & Interest Payment - due May 1, 2023** – General Manager White indicated that the District would make the May 1, bond principal payment of \$858,000.00 and an interest payment of \$42,703.00 on April 27. This is due to the bond ordinance that requires payment at least three days prior to the due date. Also, as of this writing the sinking fund (funds for bond payment) could be short by \$11,600.67, depending

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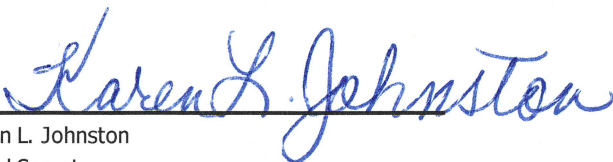
on when our customers pay their March water usage bills. If the sinking fund is short of funds needed for the April 27 payment, the deficit will be taken from the R&R account until the March water usage billings are received. Discussion of this subject followed.

- **New Regulation** – Attorney Kucera provided a press release from the EPA in which they propose revisions to the CCR. He addressed three items. First, compliance. The press release addressed compliance monitoring data, which the state EPA already does. Attorney Kucera indicated that this could be an opportunity for the US EPA to exercise its rights of enforcement, if they US EPA does not like what the state EPA is doing. Second, enhance risk communication. Attorney Kucera stated that this could require monitoring for more contaminants, to be included on the CCR. Third, communication. Attorney Kucera indicated that with more revised CCRs coming out, the District’s customers, and the public could be concerned regarding the language and reference to various chemicals. He felt that the District needed to be prepared for questions from the public, and possibly the press. General Manager White then stated that the District is a member of AWWA, who provides good information in the area. Discussion of this subject followed.

## MISCELLANEOUS

- **Correll Reports** – General Manager White stated that these are the quarterly reports for the employee’s retirement plans. There is information regarding how the various funds are performing. General Manager White indicated that the employees are satisfied with the funds.
- **Open Meetings Act/Ethics Standards Information** – Secretary Johnston stated that in providing the board with the required Open Meetings Act (OMA) training, she had done her own training. This prompted her to remind the board of some housekeeping items. As discussed previously in the meeting, she asked that the board members send her information, and she would provide it to the other board members. She referenced a packet that she handed out, with points highlighted. The items in the packet were OMA information, Lake County Ethics & Conducts Standards, and Robert’s Rules of Order. She advised the board she had complete copies of these documents, should anyone want a copy. She asked that the board review these items.

Trustee Baillie made a motion to adjourn, which was seconded by Trustee Jaeger.

X   
Karen L. Johnston  
Board Secretary