

KANKAKEE RIVER METROPOLITAN AGENCY
MINUTES
November 19, 2019 - 3:00 P.M

In attendance:

Board of Directors:

Mayor Chasity Wells-Armstrong, City of Kankakee
Mayor Paul Schore, Village of Bourbonnais
Mayor Brian Stump, Village of Aroma Park
Robert Romo, Representative, Village of Bradley
Carl Brown, Alderman, City of Kankakee
Marc Wakat, Representative, City of Kankakee
Elizabeth Kubal, Representative, City of Kankakee

Administration:

Dave Tyson, KRMA Executive Director
Larry, Ohm, Smith, Koelling, Dykstra & Ohm, P.C.

Attorney:

Neal Smith, Robbins Schwartz

KRMA Staff:

Arthur Strother, Superintendent
Dustin Scheppler, Asst. Superintendent, Operations
Melanie Gossett, Asst. Superintendent, Technical Services

Vice Chairperson Mayor Schore called the meeting to order.

I. **Roll Call**

Roll Call was taken. All Board members were present, with Chairperson Mayor Wells-Armstrong being present via phone.

Attorney Neal Smith presented rule under Open Meeting Act, Chapter 7, KRMA Board received advance notice from Chairperson Mayor Wells-Armstrong that she will attend remotely. Is there any objections from the Board with Chairperson Mayor Wells-Armstrong attend the November 19, 2019 board meeting remotely? No Objections.

II. **Public Comment**

None.

III. **Approval of Board Minutes**

- A. **October 15, 2019 – Regular Board Meeting** – Motion to approve the October 15, 2019 Regular Board Meeting minutes was made by: Dir. Brown and seconded by Dir Stump. Motion carries.
- B. **Executive Session Minutes**- Motion to approve the Executive Session Minutes (May 2019 – October 2019) will be discussed in Executive Session.

IV. **Reports**

A. **Operations & Maintenance Report**

1. **Monthly Report**

Art commended Michael Arseneau and Tawonda Brown-Davis for meeting their 90-Days probationary period. They are working out very well. Dir. Carl Brown asked about the odor complaint. Dustin answered, there was gas leaking on our blend tank. No discussion.

B. **Executive Director Report**

1. **Water, Gas & Electric Use/Cost**

Exec. Dir. Dave Tyson presented the YTD utility report. Water usage was a little bit higher. Our cost per day, per unit is in line with last years and what we have budgeted for this year.

2. **NACWA Updates:**

No updates.

3. **Hauled In Waste Summary**

Exec. Dir. Tyson stated we had a good month. Majority of the loads was from Newton County. We are ahead of schedule with hauled in waste.

4. **Operations Report**

Exec Dir Dave Tyson stated we will discuss under executive session.

C. **Financial Report**

1. **Reports**

Larry Ohm presented the monthly financial statement. Money was transferred from O&M into the money market, expenditures are in line, and our net position is very strong financially.

2. **Hauled in waste report**

Larry Ohm stated hauled in waste continues to run ahead of budget both month and YTD.

3. **Flows Graphs**

Larry Ohm stated that City of Kankakee is down, Village of Bradley is up a little but still below the average line. Village of Bourbonnais is way above what we expect them to be. It was a very wet month and that shows on the daily flows.

D. **Communications**

None.

V. **Old Business**

A. **Flow meter update**

Dustin asked was there any question regarding the reports he sent out. Dir Schore asked, do you feel the numbers are current and the numbers in the past are accurate. Dustin answered, I can't say for February to April of 2019, because we didn't start doing the group calibration till May 2019, since then it has been much more consistent. Dir Schore asked, what are we going to due about the numbers before January to April. Dir Schore asked Larry a question about the flow meters calculation. Larry answers, still awaiting on the comparison of the meter, however, they don't give any bases on making any adjustments. Dustin stated between the Bourbonnais and Kankakee meter they're currently reading 22-24% month to month. Dir Romo asked if anyone talked to Aqua about the increase in flows and usage. Dustin replied, it's based on their population equivalent for the area. Dir Schore stated he's aware that their population is increasing. Therefore, I would like to have the numbers for late winter into spring to be up for discussion next board meetings. Larry instruct for everyone to look at page 2 of the flow graphs for Bourbonnais. It shows there was a huge spike starting in December 2018 that went through March 2019, I'm aware you were going through some construction on the North end, perhaps that contributed to it. Dir Schore disagrees with the contribution from the construction and he still believes during that timeframe the flow number is inaccurate. Larry stated Bourbonnais flows have historically ranged from 16% to 33% in the past 18 months, trying to come up with an average has been difficult. Dustin spoke we are currently consistently showing the Bourbonnais flow to be currently at 22-24%. Larry not sure what to do about an adjustment, he's at the mercy of the Board of KRMA. Art stated if there is an adjustment to be made it will be between January - March 2019 when meter was reading higher then 22-24%. Art stated they will give Larry a report for meeting and Larry stated the adjustment will not be retro because the audit is complete. However, there will be an adjustment moving forward.

B. **Status of dispute with Atlas Copco concerning blowers**

Attorney Neal Smith stated the agreement is fully signed and executed. Looking to have the blowers installed by end of July 2020, if they don't, there is a liquidate damages provision in the agreement.

C. **NPDES Permit update**

Dave and Art stated we are still waiting for the State to get back to us. Art stated, he believes KRMA will be stuck with the draft permit the State has put out for public notice. Special Condition 16(CMOM) is what we are fighting to get the State to state that KMRA is not

responsible. However, at this point Art believes KRMA will be responsible for the CMOM. It will be discussed more in New Business.

- D. **E-Waste update**
Exec. Dir Dave Tyson informed everyone that him and the County Chairperson, Mr. Wheeler, will make a presentation at the Mayor Association November 20, 2019.
- E. **PILOT fee Adjustment Update**
No update.
- F. **Electronic Delivery of Board Packets**
Exec. Dir. Dave Tyson stated next board meeting we will have prices on iPad &/or tablets with a big enough screen for the board room.
- G. **Software Contract Update**
Exec. Dir. Dave Tyson stated we have our blackout dates, DTS will be here on the 4th & 5th of December for kick off meeting.

VI. **New Business**

- A. **Change in Policy for Lead Operators**
Exec. Dir Dave Tyson stated he is working with Attorney Todd, from Robbins Schwartz office. Exec. Dir Dave explained the reason why there's a need to have our Lead Operators able to return to work on light duty. Dir Romo asked if KRMA currently has light duty? Dave answered, No. Dir Schore asked, are all Operators unionize positions, and will we have to open the union contract. Exec. Dir Tyson answered, yes to Operators are union positions, and no KRMA will not have to open the union contract, according to what Attorney Todd said. Art stated that a policy can be written, however, there must be specifics in there that speaks directly to the Lead Operators position as to why we will allow them to return on light duty versus any other O&M Specialist. The union will question it. However, there are jobs that the Lead Operators can perform while on light duty. Dir Schore asked Attorney Neal will he be looking over the policy, Attorney Neal said No, the Labor Attorney Todd is drafting the policy. Dir Kubal asked will this be like a side letter to the union contract, if this goes through. Art stated in most cases it will be a side letter and it will not go into the contract until the next negotiation. Art stated due to management rights, management have the right to create policy if it does not interfere with an agreed upon contract. There is nothing in the contract that addresses light duty. Dir Brown stated he would like to see the policy. Dave will issue the policy once he receives it.
- B. **New Hires**
Exec. Dir Tyson stated KRMA extended the date to December 13, 2019 for accepting applications.
- C. **Approval of Audited Financial Statements for FYE April 30, 2019**
Larry stated there was no changes to the draft audit. Motion to approve the Audit Financial Statement for FYE April 30, 2019 by Dir Romo and second by Dir Brown. Motion Carries.
- D. **Resolution Authorizing Execution of an Amendment to the Amended and Restated Joint Sewage Treatment Agency Intergovernmental Agreement**
Attorney Neal stated the necessity of this amended is due to the NPDES Permit. It's some obligation in the NPDES permit that the IEPA is imposing on KRMA. We need the Municipalities cooperation and efforts in order to accomplish them. Attorney Neal ask Dan, with Strand Associate, to describe what is being required by the NPDES permit.
 - 1. **Amended to the Amended and Restated Municipal Joint Sewage Treatment Agency Intergovernmental Agreement**
Dan stated since KRMA does not own or operate any of the collection system coming in here. NPDES is trying to make KRMA responsible for the CMOM Program. The only way to do that is that each of the individual communities or the villages collection systems needs to develop this CMOM Program and continue to implement the program with annual reporting that needs to be submitted to KRMA. Therefore, if fines and violation come about due to the communities CMOM not implemented or not being monitored, then KRMA can pass those fines and violations to the communities. IEPA has jurisdiction over KRMA however, IEPA does not have jurisdiction over the municipalities. The IEPA is not in position to fine the municipalities even though it's their collection systems that's not being maintained, therefore, they will fine KRMA. So KRMA needs to be in position to pass on those fines and to acquire the CMOM plans to be drafted and implement. If the municipalities are not meeting their CMOM schedules, KRMA can be fined as well. Art followed up with the new members on the board, stating this has been talked about for some time. Each member was supposed

to come up with a CMOM plan and implement it but also turn those plans over to KRMA or at least copy KRMA with the plan, so we know what the communities are doing and making sure these things are being done. Dir Schore asked what's the timeframe it must be complete. Dave asked that the Municipalities have the preliminary CMOM plan turned in January no later than February 2020.

E. **Update to Strategic Planning**

Chairperson Wells-Armstrong stated she met with Dan and Scott, from Strand Associates, on getting a handle on meeting the demand of our industries and the growth of that's happening in the region. We discussed developing a strategic planning section to get everyone's outlook regarding our prospective communities. Dan put together a questionnaire that can be given throughout the region and the Municipalities for its anticipated growth. Therefore, when we plan for the plant for the upcoming years when can do so with actual data on our capacity needs for the upcoming years. Secondly, would like to see KRMA utilize as an asset that it is in the region. Also, building a relationship with our academic institution so that KRMA can become the hub for wastewater treatment for career purposes and a pipeline for KRMA when we are looking to hire. Chairperson Wells-Armstrong passed it over to Dan. Dan passed out his industrial surveys explaining in detail the purpose, given a deadline return of January 15, 2020. Dan also passed out survey for the Municipalities, explaining in detail the purpose, given a deadline return of February 15, 2020. Larry stated since 1986 KRMA has been on the expense allocations procedure totally based on flows, is there a better way to do that, and does this study blend itself to investigating that. Dan answered, yes it does. This is going to get at, what are the flows and the mass of loadings, and they are totally independent of each other. KRMA has plenty of flow capacity, however, the loading capacity of the mass loadings is the current issue. No discussion.

VII. **Executive Session**

Motion to go into Executive Session to discuss Personnel, probable or imminent litigation and review of the Executive Session Minutes pursuant to Sections 2(C)(1), 2(C)(11), 2(C)(21) of the open meetings act, was made by: Dir. Brown and seconded by Dir. Kubal. Motion carried.

Roll call was taken, and all Board Members were present, with Chairperson Mayor Wells-Armstrong being present via phone.

The Board went into Executive Session to discuss Personnel and probable or imminent litigation.

Motion to return to Open Session was made by: Dir. Kubal and seconded by: Dir. Romo. Motion carried.

With the Board back in open session, there was one motion.

Motion to approve the content Executive Session Minutes May 28, 2019, June 18, 2019, July 16, 2019, August 26, 2019, September 17, 2019 and October 15, 2019 made by Dir Brown and second by Dir Stump. Motion Carries with Dir Romo Abstain.

Roll call was taken, and all Board Members were present, with the exception of Dir Wakat and with Chairperson Mayor Wells-Armstrong being present via phone.

VIII. **Next Meeting**

Next Regular Board Meeting- **Tuesday, December 15, 2019 (3:00 P.M. in the KRMA Boardroom)**

Executive Director Dave Tyson will call in for the board meeting.

Motion to Adjourn was made by: Dir. Brown and seconded by Dir. Kubal. Motion carried.