

**MINUTES**  
**April 16, 2013**  
**Public Utilities Committee**  
**City of Batavia**

PLEASE NOTE: These minutes are not a word-for-word transcription of the statements made at the meeting, nor intended to be a comprehensive review of all discussions. Minutes are intended to make an official record of the actions taken by the Committee/City Council, and to include some description of discussion points as understood by the minute-taker. Any references to discussion and/or statements are only to provide greater clarity to the public and they may not reference all, some, or any of an individual speaker's comments.

Chairman Frydendall called the meeting to order at 7:30 p.m.

**1. Roll Call**

**Members Present:** Aldermen Brown, Clark, Frydendall, Jungels, O'Brien, Volk, and Wolff  
**Also Present:** Alderman Thelin Atac (7:48 p.m.); Steven Allen, Senior Project Engineer; Gary Holm, Public Works Director; William McGrath, City Administrator; Byron Ritchason, WWTP Superintendent; Bob Rogde, Electric Superintendent; and Connie Rizo, Recording Secretary

**2. Approval of Minutes for March 26, 2013**

**Motion:** To approve the 3/26/13 Public Utilities Committee meeting minutes.  
**Maker:** O'Brien  
**Second:** Jungels  
**Voice vote:** 7 Ayes, 0 Nays, Motion Carried.

**3. Resolution 13-61-R Awarding Contract for Wastewater Treatment Facility Improvements to Manusos General Contracting Inc. for an amount not-to-exceed \$838,768.00 (Byron Ritchason 4/12/13)**

Byron Ritchason stated that in November of 2012 the City Council authorized Trotter and Associates to undertake Task Order #3 of the Master Services Agreement. Ritchason indicated in that Task Order one of the items was to review the immediate needs of the plant. Ritchason explained that in 2008 a Master Plan was developed for the treatment plant and within that were some upgrades, rehabilitation, construction projects that needed to be done, but unfortunately with the poor economy those projects did not come to fruition. Ritchason commented that with the pushing back of the time frame for addressing these needed project areas there has been some failure of the equipment within the plant.

Ritchason stated there have been numerous meetings with Trotter and Associates and through the work sessions determinations have been made on the absolute items that

the treatment plant needs. Ritchason shared that in the near future major upgrades would be needed including expansion to 4.9 MGD. Ritchason emphasized that the City did not want to do things twice in coordinating the projects needed at the treatment plant. Ritchason relayed that the amount needed for the current projects is \$31,000 more than what was budgeted for. Ritchason explained the reason for the overage was the timing of the completing the budget and the need to continually review the necessary items at the treatment plant. Ritchason stated an item that was determined to be necessary was the cleaning of the digesters, which added a substantial amount to the bid. Ritchason mentioned that several alternatives were selected that were part of the bid and the resolution reflects the not-to-exceed amount of \$830,768.00.

Chairman Frydendall commented that it was encouraging to see how close the two bidders were. Ritchason stated it was concerning to see there were only two bids and the City would like to have had seen more bidders, but seeing they were close in amounts was helpful.

**Motion:** To recommend to City Council approval of Resolution 13-61-R awarding a contract for the wastewater treatment facility improvements to Manusos General Contracting, Inc. for an amount not-to-exceed \$830,768.00.

**Maker:** Volk

**Second:** Wolff

**Voice Vote:** 7 Ayes, 0 Nay, Motion Carried.

## **CONSENT AGENDA**

Ald. Brown inquired if the work done by Manusos would be completed in 2013. Ritchason stated it would be completed this year. Holm stated the budget line item includes more than just these projects. Holm indicated until some of the other projects come in then the City would know better where it stands on this line item. Holm added if City Staff need to return to Committee for a budget amendment they would.

Ald. O'Brien stated the City Staff accepted a change in product from the Flygt pump to ABS pump at a lower cost. Ald. O'Brien inquired if that would be transferred later on for longevity of the ABS pump opposed to the Flygt pump and whether there would be a difference in operation. Ritchason stated the specifications are exactly the same and the ABS pump was a good product.

Ald. O'Brien asked why Flygt pumps were even considered. Scott Trotter stated there are more Flygt pumps in Batavia and Trotter and Associates has more experience with Flygt pumps. Trotter mentioned that from an industry-wide base Flygt has 30% of the market and are well accepted pumps. Trotter explained there was a mandatory alternate for the ABS pump and they have excellent service and reputation. Trotter indicated that the way the bid was set up was to have a base bid and a mandatory

alternate to allow the City to choose rather than have the contractor select which pump to be installed, which gave the City the flexibility to realize savings.

Ald. Clark inquired if this work performed would have any bearing on bringing the treatment plant to the 4.9 MGD level or would this have no bearing on the 4.9 MGD level. Ritchason replied that the majority of the primary and digester work was necessary for the expansion and mentioned that the pumps might have to be moved to a different location and a building that is being repaired would need to be removed for the 4.9 MGD level. Ald. Clark asked if anything would need to be sized now for expansion later. Ritchason replied that the pumps are somewhat larger and would accommodate any added in plant flow and Island Avenue flow. Ritchason indicated that Trotter and Associates upsized the pump station to include the future planning downtown, with the rest being maintenance items.

**4. Resolution 13-62-R Awarding Contract for Diffuser Membrane Replacement to Hayes Mechanical for an amount not-to-exceed \$60,733.14 (Byron Ritchason 4/12/13)**

Ritchason stated in discussing with the consultant prior to going out to bid there was a mutual feeling that there was a better chance of getting more contractors to bid on this item because it is an item that is easier to accomplish. Ritchason stated the City obtained more bids on this item.

Ritchason stated that the diffusers are the membranes in the bottom of the aeration basins that allow oxygen and air bubbles to go up in the tanks and provide oxygen to the biomass and mix the tanks. Ritchason explained after a certain period of time they become hard and thicker and do not transfer oxygen at the appropriate rate, which makes the blowers inefficient. Ritchason pointed out money would be saved on electricity by replacing the diffuser membrane. Ald. Clark inquired as to the life span for a diffuser. Ritchason and Trotter stated the lifespan is five to seven years. Trotter mentioned with a new diffuser membrane there would be 60% more efficiency in oxygen transfer and would lower the blower energy costs. Ritchason mentioned the current diffuser membrane is approximately 8 years old. Ald. Wolff inquired if this would become more of a maintenance item in the future. Trotter stated that would be recommended.

Ald. O'Brien inquired if the wastewater treatment plant would be placed on a scheduled maintenance plan to guarantee it would not go so many years without review in the future. Ritchason stated there are maintenance schedules, but the funds have had to be re-prioritized each year. Ald. Volk pointed out how the poor economy has necessitated postponing the necessary maintenance at times. Ald. O'Brien stated he understood the situation with the poor economy and its affect on the needed scheduled maintenance. Ritchason stated that there are monthly and yearly maintenance programs.

**Motion:** To recommend to City Council approval of Resolution 13-62-R awarding a contract for diffuser membrane replacement to Hayes Mechanical for an amount not-to-exceed \$60,733.14

**Maker:** Volk

**Second:** O'Brien

**Voice Vote:** 7 Ayes, 0 Nay, Motion Carried.

## **CONSENT AGENDA**

### **5. Resolution 13-60-R Authorizing Certain Elected Officials and Staff to Receive Confidential Information Related to Prairie State (Gary Holm 4/12/13)**

Holm stated in 2006/2007 when the agreements were first being drafted the City voted to participate in the project and then subsequently NIMPA executed several agreements. Holm explained that in those agreements are outlined the criteria for handling communications and specifically confidential communications, so everything needs to be per the agreements. Holm commented that up until this point in time NIMPA as a participant has been getting only certain reports and the NIMPA's management committee representatives have been getting the complete information. Holm shared that Batavia has been pushing at the Staff level to get more information. Holm expressed at the urging of Batavia additional confidential information would be distributed to community representatives in addition to the management committee representatives.

Holm pointed out that his 4/12/13 memo (refer to document) had specific language for the participation agreement regarding confidential information. Holm mentioned this is a serious legal issue. Holm explained that NIMPA is the participant and not the City of Batavia.

Chairman Frydendall stated it has been difficult over the years to have heard information that is on the confidential side or the public side and recollect 10 years later internally which form of information it was and whether it could be discussed. Chairman Frydendall stated the same challenge would be faced by all those who sign the confidentiality agreements. Holm pointed out that per the agreements any individual has to sign that they acknowledge that the information received is confidential.

Ald. Brown inquired if these agreements have been reviewed by the City Attorney and whether it was the City Attorney's recommendation that the aldermen sign the agreements. Holm replied that the language comes through NIMPA. Holm reiterated that the City of Batavia was not a participant, but that NIMPA was the participant. Holm stated the City of Batavia is a representative of NIMPA and, therefore, can receive the information. Holm conveyed that the language was from NIMPA's attorney that the

consultants, Brattle Group and Pace Global, signed on and has been agreed to amongst all the owner's lawyers.

Ald. Brown inquired how the aldermen would be protected. Chairman Frydendall replied the information would come to the aldermen on a confidential memo. Holm stated the information would be coming through NIMPA's attorney and carried attorney/client privilege on the information. Ald. O'Brien inquired what would occur if an indiscreet person were to sign the agreement. Chairman Frydendall stated that would carry a legal liability. Holm commented as a NIMPA representative it opens up NIMPA to the legal liability and damages. Ald. O'Brien opined if NIMPA would not cover the legal damages then it would fall back onto the City of Batavia.

Ald. Clark inquired if the other NIMPA member cities were also signing these confidentiality agreements. Holm stated they were also doing the same agreement and each City was deciding who they would like to sign on their behalf. Ald. Clark inquired who on the NIMPA management committee received this confidential information presently. Holm replied Mike Buffington and Dan Dinges as the alternate. Ald. Clark inquired if Buffington could discuss those confidential matters with Holm. Holm stated Buffington could not discuss the confidential matters with him. Chairman Frydendall stated the City of Batavia had an opportunity to have a representative on that Committee and Rogde's workload would not allow his participation. Bill McGrath stated further review of the matter would occur after May of 2013 with likely Holm or McGrath representing the City of Batavia. McGrath commented that the most expansive definition of representative that NIMPA has agreed to is being put into place so that as many elected officials and key City Staff as possible could have access to the confidential information. Holm mentioned through these agreements all the same representatives would have the same information.

**Motion:** To recommend to City Council approval of Resolution 13-60-R authorizing certain elected officials and City Staff to receive confidential information related to Prairie State.

**Maker:** Wolff

**Second:** O'Brien

**Voice Vote:** 7 Ayes, 0 Nay, Motion Carried.

**6. Resolution 13-59-R Authorizing Task Order #5 with HBK Engineering for American Can Substation Demolition and Restoration Engineering Services for an amount not-to-exceed \$27,320.00 (Steve Allen 4/11/13)**

Steve Allen stated that quite a while ago the electric utility had a 34kV to 4kV substation that was located at 1300 South River known as American Can. Allen advised presently that location is the AmCor Corporation. Allen stated in 2006 the majority of the switch gear and other items were removed. Allen explained as expansion took place westward and as a second transformer at McKee along with converting all the system off of 4kV

the City no longer had a need for this substation. Allen stated the City would like to restore the area at 1300 South River.

Allen explained that HBK Engineering provided the civil engineering services for the Mill Creek demolition and restoration and would be used to do the same thing at 1300 South River. Allen mentioned that the City is in an easement on AmCor's property and would be working closely with them through HBK to coordinate this project.

Ald. Clark inquired why engineering was involved to dig up concrete. Allen replied that due to handling the area for stormwater purposes to assure there is no affect to water and drainage in the area engineering was needed. Ald. Wolff and Ald. Clark inquired if the construction costs would be over and above the engineering cost. Allen replied the construction costs were not part of the engineering cost. Ald. Wolff inquired if the in-house engineering department could handle this project. Allen stated he never approached the internal engineering department due to their current workload and that HBK has done fine work for the City in the past. Ald. Clark inquired how much the construction costs would be. Allen stated construction costs would likely be somewhat less than \$20,000.

Ald. O'Brien asked how large the land area was for this project. Allen replied it was 90' x 90'. Chairman Frydendall and Allen stated the underground wiring would need to be removed. Allen stated the slab it is on is 12 inches thick and has footings that go down about 48 inches. Ald. Wolff stated engineers would be necessary to know what is actually on the site to monitor the subcontractor to make sure work is done correctly. Ald. O'Brien stated an engineer would likely not do a lot of grading in this small area. Ald. O'Brien inquired if an electrical engineer would be needed for cutting the conduit. Holm replied from a practical standpoint Ald. O'Brien was correct, but from the standpoint of the Kane County Stormwater Ordinance and Soil Erosion Control there are regulatory items that must be handled by engineers. Ald. Wolff commented with the 27 items listed for this project and the City of Batavia having an easement the City would need to provide information and have recorded what was done to the property.

Ald. Brown inquired if the property would be considered a clean piece of property once the project is completed. Ald. Volk inquired if there were environmental issues with this project. Allen stated it would be a clean piece of property and there are no environmental issues for this project.

Bob Rogde spoke to the fact that the project was 90' x 90' and that it takes a certain amount of mobilization to do the work. Rogde commented the property is AmCor's property and that the owners have been good in letting the City use the property for several years and City needs to restore it for the owner now that the substation would no longer be needed.

**Motion:** To recommend to City Council approval of Resolution

13-59-R Authorizing Task Order #5 with HBK Engineering for American Can Substation Demolition and Restoration Engineering Services for an amount not-to-exceed \$27,320.00.

**Maker:**

Volk

**Second:**

Wolff

**Voice Vote:**

7 Ayes, 0 Nay, Motion Carried.

## **CONSENT AGENDA**

### **7. Other**

None.

### **8. Matters From The Public**

None.

### **9. Adjournment**

A motion was made by Ald. Volk and seconded by Ald. O'Brien to adjourn the meeting at 8:08 p.m. All were in favor and the motion was carried.

Minutes prepared by  
Connie Rizo