

Memorandum

TO: JIM SNIDER; CITY OF WASHINGTON, ILLINOIS **CC:** R. MICHAEL LOWENBAUM

FROM: CONTESSA A. BRUNDRIDGE

DATE: FEBRUARY 2, 2024

RE: FOLLOW-UP TO INVESTIGATION OF POTENTIAL OPEN MEETINGS ACT OR FOIA REQUEST VIOLATIONS BY CITY COUNCIL MEMBERS

Summary of Prior Investigation and Follow-Up Findings

A prior investigation into emails and documents responsive to a FOIA request for “every communication...” “between any current or former city council member and the Pudik family (or Goat Springs LLC) between January 2018 and November 2023” revealed that some communications responsive to the Request included council member use of personal emails. Findings determined that Council Members were improperly utilizing personal email accounts to communicate with residents and constituents while failing to save or properly forward to official email accounts documents that relate to official City business.

During the course of that investigation, Council Members Brett Adams, John Blundy and Liliya Stevens were interviewed. Adams turned over a considerable number of emails retrieved from his personal email accounts and committed to ensuring he utilized City email accounts for City business in the future. Council Members Blundy and Stevens were less forthcoming with their searches. Council Member McIntyre was not interviewed but previously did not search his personal email account for responsive emails.

At the conclusion of that investigation, it was recommended that the City should reiterate to Council Members Blundy and Stevens that they must search for any documents discussing City business relating to the Pudik family and/or Goat Springs LLC and provide those to the City’s Clerk. Such a follow-up request would ensure that the City had taken all reasonable efforts to respond to the request and place the City in compliance with the law and its obligations.

After the City presented the investigation’s findings to the Council in December 2023, Council Member McIntyre performed a search of his personal emails. This revealed numerous emails that McIntyre forwarded from his private email that were sent by members of the Pudik family relating to the ongoing trunk line sewer project. None of the emails were originated by McIntyre and were instead sent to his private email address by

members of the Pudik family. Just as the original investigation did not reveal violations of the Open Meetings Act (“OMA”) or any concerns regarding bribes or other improper conduct, these emails did not reveal any issues of that nature either and appear to be a thorough effort on the part of McIntyre to comply with the request.

The additional emails provided by McIntyre, however, did reveal that many of the emails included copying of Council Members Blundy and Stevens on their personal emails. This is substantial evidence that Blundy and Stevens have either not completed searches of their personal email servers for responsive emails or they have deleted responsive emails. Council Member Blundy indicated on December 19, 2023 that he had searched his emails and found no further responsive emails. Council Member Stevens indicated a similar message in January 2024. However, McIntyre’s production of emails included emails from December 17, 2023 that was sent to Blundy and Stevens personal emails as well. It also included May 2023 emails from the Pudik family members that Blundy was copied on through his personal email address and an October 8, 2023 email from Brett Pudik to McIntyre, Blundy and Stevens all on their personal emails that Blundy and Stevens failed to produce. Finally, McIntyre’s production included another relevant email from Brett Pudik to McIntyre, Blundy and Stevens all on their personal emails from November 11, 2023. This November email chain was also not produced by Blundy and Stevens.

A careful review of the emails ends with the same outcome as the prior investigation – a quorum was never created, and nothing was discussed that appears to violate the law. However, regardless of the quorum status, recent case law indicates a court would find they are subject to the Joe Arnold FOIA request.¹ The lack of effort to retrieve these emails by Blundy and Stevens is concerning as it displays either a lack of concern for compliance with the City’s legal obligations or a deliberate attempt to mislead City leaders in responding to the request. It also leads to a concern that additional emails may be missing that are responsive to the request as Blundy and Stevens’ efforts to retrieve responsive emails appears minimal.

As previously explained, City’s obligation under FOIA is to undertake reasonable efforts to obtain and provide all documents relevant to the request made by Joe Arnold. Failure to do so can result in up to a \$5,000 per violation fine. The City should continue its instruction to Council Members Blundy and Stevens to use City issued emails only *and* to perform a

¹ In *Better Government Association v. City of Chicago Office of Mayor*, an Illinois appellate court held that public officials’ emails and text messages kept in personal, private accounts are subject to FOIA if they pertain to public business. The court in *City of Chicago* clarified that a record is a public record under FOIA if it meets two (2) criteria. First, the record must pertain to public business rather than private affairs. Second, the record must have been either prepared for, used by, received by, or in the possession of a public body. In *City of Chicago*, the City of Chicago specifically argued that public officials themselves are not public bodies unless there is a quorum or they create the document during a quorum meeting (as previously held in *City of Champaign v. Madigan*). Instead, the court reasoned that communications from the officials’ personal accounts that pertain to public business are subject to FOIA. *Better Government Association v. City of Chicago Office of Mayor*, 2020 IL App (1st) 190038.

In *City of Chicago*, the Court explained what is required in a search for records responsive to a FOIA request and clarified that **a City must request that officials’ search their personal account** and take reasonable steps to ensure they do so and rejected the argument that such a request is an invasion of privacy.

thorough search of their emails with any member of the Pudik family related to City business.

At this time, the City has taken all reasonable efforts to respond to the FOIA request. Full production of emails available should be made. The City cannot force thorough searches by Blundy and Stevens but has now undertaken all reasonable efforts to comply and should be shielded from any litigation or allegations of non-compliance. Further non-compliance by Blundy and Stevens with requests can only be handled by either a vote of no confidence by the public through a regular election or any established recall or impeachment proceeding that the City may have at its disposal.

Jim Snider

From: Valeri Brod
Sent: Monday, January 8, 2024 9:55 AM
To: Jim Snider
Subject: FW: Hamilton Contract

Valeri Brod
City Clerk, FOIA/OMA Officer, City Collector, Glendale Cemetery Administration
301 Walnut Street, Washington, IL 61571
P: 309-444-1137 / F: 309-444-9779
vbrod@ci.washington.il.us
www.ci.washington.il.us



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From: Michael McIntyre <gmcinty03@gmail.com>
Sent: Monday, December 18, 2023 11:35 PM
To: Valeri Brod <vbrod@ci.washington.il.us>
Subject: Fwd: Hamilton Contract

----- Forwarded message -----
From: Michael McIntyre <gmcinty03@gmail.com>
Date: Sun, May 7, 2023 at 10:02 PM
Subject: Re: Hamilton Contract
To: Brett Pudik <bpudik@ameritech.net>
CC: John Blundy <blundjj@gmail.com>

Thanks Brett, still catching up from the last documents. Appreciate the insight.

Mike

Sent from my iPhone

On May 2, 2023, at 8:14 AM, Brett Pudik <bpudik@ameritech.net> wrote:

Guys –

The \$165 K for the third-party analysis was approved by the previous council. I do not understand why all of a sudden cost is an issue for completing a previously-approved study.

I have attached a very good one-page document on QBS by the American Council of Engineering Companies (ACEC). Notice in the first paragraph under "What is QBS ..." that it states engineering costs typically amount to less than one-half a percent of life-cycle cost of a project. This is what I would give to Snider, Butler and Brownfield when they complain about costs. Then tell them how much money can be saved which will be millions of dollars.

-Brett

From: John Blundy <blundjj@gmail.com>
Sent: Monday, May 1, 2023 10:19 PM
To: Brett Pudik <bpudik@ameritech.net>
Cc: Michael McIntyre <gmcinty03@gmail.com>
Subject: Re: Hamilton Contract

Thanks... thank you for sharing the contract as well.

On Mon, May 1, 2023 at 8:18 PM Brett Pudik <bpudik@ameritech.net> wrote:

Gents –

Great job tonight. Thank you!

I am looking forward to your service.

Attached – Hamilton's contract.

On page 12 of 12 ... last page. Public Hearing \$20K.

By my understanding they are only on step 4 or 5. However, they went out of order and #8 – Hamilton Presentation was already performed? ... before the Public Hearing and revisions and Final Report was organized? Seems they should have to do another presentation after following their contracted scope of work ...

Again, thank you!

-Brett

Brett Pudik, AIA, NCARB, LEED BD + C

PUDIK ARCHITECTURE, P.C.

309 692 0496 Office

309 369 8069 Mobile

bpudik@ameritech.net

<QBS One-Pager.pdf>

This email has been scanned for spam and viruses by Proofpoint Essentials. Click [here](#) to report this email as spam.

Jim Snider

From: Valeri Brod
Sent: Monday, January 8, 2024 9:56 AM
To: Jim Snider
Subject: FW: Farm Creek Trunk Sewer - Cost Misrepresentations by Strand
Attachments: Strand 9-29-2023 Estimate - Marked up.pdf; Examples of Strand Cost Misrepresentations.pdf; General Information-3.pdf; QBS One-pager.pdf

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From: Michael McIntyre <gmcinty03@gmail.com>
Sent: Monday, December 18, 2023 11:36 PM
To: Valeri Brod <vbrod@ci.washington.il.us>
Subject: Fwd: Farm Creek Trunk Sewer - Cost Misrepresentations by Strand

----- Forwarded message -----

From: Brett Pudik <bpudik@ameritech.net>
Date: Wed, Oct 4, 2023 at 1:49 PM
Subject: Farm Creek Trunk Sewer - Cost Misrepresentations by Strand
To: Michael McIntyre <gmcinty03@gmail.com>

Mike —

I have a lot of serious concerns regarding the cost misrepresentations being made. I also have many other concerns regarding other misrepresentations and non-transparency of decisions and important documents not being shared. Your new council orientations was deceptive and did not completely share the truthful background of the trunk sewer relocation project – we can show you why.

As regards the 4 PDFs I have attached I will be happy to go through each one with you so you are fully aware of cost misrepresentations and able to ask questions of both Carr and Strand.

Let me know when you have an hour to go through these.

-Brett

Brett Pudik, AIA, NCARB, LEED BD + C

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bpudik@ameritech.net

Jim Snider

From: Valeri Brod
Sent: Monday, January 8, 2024 9:56 AM
To: Jim Snider
Subject: FW: Trunk Sewer Estimates - Project Website
Attachments: Strand Report - Selected Pages.pdf; Strand Presentation 7-26-2021.pdf; Strand Estimate within Appendix J-1 - Hamilton Draft.pdf

Valeri Brod

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Sent: Monday, December 18, 2023 11:36 PM
To: Valeri Brod <vbrod@ci.washington.il.us>
Subject: Fwd: Trunk Sewer Estimates - Project Website

----- Forwarded message -----

From: Brett Pudik <bpudik@ameritech.net>
Date: Wed, Oct 4, 2023 at 3:22 PM
Subject: Trunk Sewer Estimates - Project Website
To: Michael McIntyre <gmcinty03@gmail.com>

Mike –

For easy reference and to prove to you we are following every estimate put out to the Public by the City/ Strand I have made a PDF of various pages within reports and presentations located also on the Project Website. The installation of the pipe represents over 80% of the construction cost of the route cost, namely the open-cut and trenchless installation costs and unit costs. As you will see from my previous email there has been a significant change in unit prices on the latest estimate sent to us by Snider ... precariously dated July, 2021 which I do not believe for a second. This new estimate was sent after we provided our drawings and estimate 2 weeks in advance of our presentation to City Council and the City Engineer. So cost manipulation continues ... now with the unit cost column in addition to their quantity column lies from before.

Strand Report – Selected Pages: this document was voted in as part of the Resolution adopting Route B back in October, 2019 ... (before we knew about the project and passed based on false information of Landowners being on board with the project) . The estimate (Page 5-3) is what was submitted to the IEPA and same in upper L.H. corner of our analysis on General Information – 3 (see IEPA’s stamp) ... we received this via FOIA from IEPA so we know this was what was used in the estimate to determine the loan amount, specifically the route cost. We think this information is still in line at IEPA ... question to Carr: How long is the loan application good for before it has to be resubmitted? Cost addendums requirements (didn’t Butler say 10% allowed?)?

See project website: City of Washington > Departments > Engineering > > More Department News > 1/19/2022 Farm Creek Trunk Sewer Project Website > Documents (upper R.H. corner) > Analyses and Reports > Preliminary Eng. Study: selected pages 1-5, 67-74, specifically page 5-3, Table 5.02-2, OPCC Alternate Route B

Strand Presentation 7-26-2021: The selected pages within this presentation are the last estimates presented to alderpersons and that which Hamilton used for the Strand Route B OPCC in his own draft report. Strand presented 2 weeks after our engineer Aptim presented initially. The cost cheating Strand used in their analysis of L.O. Route E-3 was egregious at best – see our mark-up on bottom half of page General Information – 3. The red keyed numbers within circles correspond to the write-up/ notations underneath the scanned images so you can understand better. Strand not only misrepresented their own design of Route B by underestimating its costs but it appears obvious that they intentionally over-estimated the L.O. Route E-3. The first column is their updated estimate of their Route B and the last column of the estimate is their estimate of the L.O. E-3. The other three route in between are not considered anymore so ignore those (why we clipped out only what was necessary on General Information – 3 sheet.

See project website: City of Washington > Departments > Engineering > > More Department News > 1/19/2022 Farm Creek Trunk Sewer Project Website > Documents (upper R.H. corner) > Presentations > Strand’s Full Presentation: selected pages 1, 57, 79, 83, ...specifically page 79, first column Route B and last column L.O. E-3

Strand Estimate within Appendix J-1 – Hamilton Draft: This was taken from Strand and Hamilton recently admitted it. So, Hamilton never interrogated Strand’s work which was supposed to be the point of the third-party analysis. However, you will see Hamilton also uses the Strand 7-26-2021 costs for Route B.

See project website: City of Washington > Departments > Engineering > > More Department News > 1/19/2022 Farm Creek Trunk Sewer Project Website > Documents (upper R.H. corner) > Reports > Appendices to Final Draft Report 02/15/2022: selected page 117 of 252, ...specifically Appendix J-1

In summary, the cost cheating started with Strand, continued through the Hamilton exercise, and now continues again with Strand in a new additional column – unit cost. When will this stop? This is out of control and I hope council puts an end to this nonsense once and for all. Feeding council members false information or even inconsistent information is not conducive to having accurate information to base very important decisions on ... in this case a vote that will affect our community for hundreds of years and that which will cost many millions of dollars not just initially but over its life-cycle. The resolution that adopted the route was based on bogus information and should be rescinded immediately before the city spends one cent more on this nonsense.

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Valeri Brod

From: Michael McIntyre <gmcinty03@gmail.com>
Sent: Monday, December 18, 2023 11:36 PM
To: Valeri Brod
Subject: Fwd: Rough Draft - Questions & Statements with backup PDFs
Attachments: Rough DRAFT - Questions 10-8-2023.pdf; Strand - 2005 WW Facilities Planning Report - Selected Pages.pdf; Schone & Andrews Letter to IEPA - Decommissioning STP-1.pdf; Strand Report - Conclusions Page 6-1.pdf; 7-11-2016 Special City Council Meeting Minutes.pdf; 2-13-2017 City Council Meeting Minutes (003).pdf; Evidence of Very Old Sanitary Sewer containing VCP - Basinpdf; 11-22-2017 Special PWC Meeting - Infrastructure Review (004).pdf; Hamilton - SSES.pdf; Smoke Test Examples showing SSO and CSO evidence.pdf; General Information-3.pdf; Examples of Strand Cost Misrepresentations.pdf; Strand 9-29-2023 Estimate - Marked up.pdf; Strand Presentation 7-26-2021.pdf; Strand Report - Selected Pages.pdf

----- Forwarded message -----

From: Brett Pudik <bpudik@ameritech.net>
Date: Sun, Oct 8, 2023 at 8:20 AM
Subject: Rough Draft - Questions & Statements with backup PDFs
To: John Blundy <blundjj@gmail.com>, Lilija Stevens <lilija53@yahoo.com>, Michael McIntyre <gmcinty03@gmail.com>

All –

I have talked to several of you at different times about numerous issues and concerns we have with the trunk sewer project including but not limited to:

- How the project was run ... lack of a transparent design process, lack of sharing pertinent information ... including FOIA violations, etc.
- Inaccurate information driving important decisions for alderpersons to base their respective vote on which represents the Public, namely approximately 4,000 tax-paying citizens within each ward
- Fiscally responsible decision-making affecting the future of our city's sewer system well into the future – this decision will affect our city for hundreds of years – this is extremely significant and not to be taken lightly without knowing the truthful facts

I wanted to get this out to you all and my brothers have better ideas in terms of how you voice your questions or better yet make statements. So please know this is a rough draft of my original thinking with questions – please revise as you see fit to your style of making your statements. I received the following suggestion from my brother and now I am in agreement so-to-speak. However, I wanted to get this out to you because I have several supporting PDFs attached in order that back up my original 9 questions ... and I know there are more. I wanted to get this out as early as possible and leave it to your discretion on what and how you ask questions / make statements ... we can help you with details and additional information. My brother's suggestion and two examples as follows:

Guys: Personally, I don't support suggesting questions. Questions get asked, half-baked answers are then given that may not be entirely accurate and our Alderperson is left with no response because of a lack of knowledge about the project. We need to provide statements that are backed up by supporting documentation. I will work on some of these statements, but below are two that I have come up with so far...there are more.

Examples:

It is my understanding that we did not hire Strand as our engineer for the Farm Creek trunk sewer project by following the standard practice of engaging a QBS [qualified-based selection] process and preparing and publishing a public Request for Qualifications. Transparency is important to me, especially when I am going to be called to vote to condemn private property for a public project. We have now heard competing opinions from various engineering firms with regard to various elements of this project and I am being asked to vote on one of them over another. For this reason alone, I will not support moving forward with the project on the path chosen. I believe the final result that would emerge from a transparent process, one that is consistent with standard practice for large public projects, is what the citizens of Washington should pay for and deserve.

The City has a history of IEPA violations for failing to inspect the sanitary sewer system and manholes and for failure to manage a maintenance and operation plan for our wastewater conveyance and treatment assets. In fact, Strand stated in its 2005 Wastewater Facilities Plan that the City has never cleaned the Farm Creek trunk sewer since it was built in 1974. This is irresponsible and the IEPA violations cannot continue. It is my understanding that the main reason for these violations is due to the fact that the trunk sewer is simply not accessible to City public works staff and manholes cannot be accessed by the large vector trucks that are needed to clean out a trunk sewer. Selecting a route alignment that does not possess the same access impediments is important to me because I do not want to strap future City Council members and public works staff with this same problems. Access to the existing Farm Creek trunk sewer is a problem for City staff because significant stretches of the trunk sewer are located in remote areas that are landlocked by Farm Creek itself and the RR to the north/south. These same impediments to access exist along significant stretches of the County Route B alignment. I cannot support spending this kind of money on a route alignment that does not improve the City's ability to access the manholes for purposes of future operation and maintenance. It's just simply not fiscally responsible.

Brett Pudik, AIA, NCARB, LEED BD + C

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Jim Snider

From: Valeri Brod
Sent: Monday, January 8, 2024 9:58 AM
To: Jim Snider
Subject: FW: FW: County Route B Access for maintenance - COW history of problems and violations with the IEPA relating to the failure to access and maintain the manholes for the trunk sewer and the tributary sewers
Attachments: Goat Springs, LLC - February 8, 2021 Site Inspection Report by IEPA Peoria Regional Office.pdf; Goat Springs, LLC - NPDES STP-2 Discharge Permit - Special Condition 17.pdf; Goat Springs, LLC - IEPA Inspection Report dated August 18, 2010.pdf; Goat Springs, LLC - COW Report to IEPA in November 2010 regarding efforts to inspect the COW sanitary sewer system and manholes in compliance with a 2007 NV and CCA.pdf

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From: Michael McIntyre <gmcinty03@gmail.com>
Sent: Monday, December 18, 2023 11:37 PM
To: Valeri Brod <vbrod@ci.washington.il.us>
Subject: Fwd: FW: County Route B Access for maintenance - COW history of problems and violations with the IEPA relating to the failure to access and maintain the manholes for the trunk sewer and the tributary sewers

----- Forwarded message -----

From: Brett Pudik <bpudik@ameritech.net>
Date: Sun, Oct 8, 2023 at 8:35 AM
Subject: FW: County Route B Access for maintenance - COW history of problems and violations with the IEPA relating to the failure to access and maintain the manholes for the trunk sewer and the tributary sewers
To: Michael McIntyre <gmcinty03@gmail.com>
CC: John Blundy <blundjj@gmail.com>

Mike —

Thank you for taking the time to discuss the upcoming meeting on Monday with me. I appreciate your common sense way of thinking. After we talked I checked my email and found out my brother had sent me some new information we

received via a FOIA request with the IEPA ... about the very subject we discussed – how timely. I just need to send this to you as it is perfect for a point that needs to be made about the future ability to access and maintain/ operate the new trunk sewer route/ manholes. I am forwarding this to you. See below and attached. Sorry, do not intend to overload you but want you to have what we have.

From: Troy N. Pudik <TPudik@emrslaw.com>

Sent: Friday, October 6, 2023 4:33 PM

To: cpudik (cpudik@pudik.com) <cpudik@pudik.com>; Brett Pudik (bpudik@ameritech.net) <bpudik@ameritech.net>

Subject: County Route B Access for maintenance - COW history of problems and violations with the IEPA relating to the failure to access and maintain the manholes for the trunk sewer and the tributary sewers

Guys: The COW has an established history of failing to inspect and maintain the COW sanitary sewer system due to its remote location, so I thought that I would send an email to you on this topic alone. Attached are documents that support this problem. It is clear that the same accessibility issues that exist with the current trunk sewer will remain if the City selects County Route B, regardless of the conclusory statements made that County Route B is more accessible than the existing trunk sewer. The reasons the existing trunk sewer cannot be accessed for maintenance is the fact that it is located in the landlocked area between the oxbow and the RR trestle.

- During a 2021 Inspection by the IEPA, the IEPA cited the COW for Single Event Violations for (i) improper operations and maintenance (CMOM Plan) – See page 6 where Rittenhouse states that the City has not followed the protocols in the CMOM Plan, specifically regarding routine inspection and maintenance of the sanitary sewer system. This document indicates that the City developed a CMOM Plan in June, 2016 for the Facility's sanitary sewer system.
- The STP-2 NPDES Permit includes Special Condition #17 to address overflows and backups and requires the development and implementation of a Capacity, Management, Operations and Maintenance Plan to be approved by the IEPA.
- During an August 2010 inspection by the Regional Office of the IEPA, the COW is cited for failure to open and inspect the manholes along the Farm Creek trunk sewer as required pursuant to an August 1, 2007 CCA [Compliance Commitment Agreement]. The IEPA mandates that the City establish a systematic program of sewer system inspection, cleaning and maintenance such that all sewers are cleaned at least once every 3-4 years, with problem areas cleaned more often, which requires that long-term easements for access to more remote sewer lines. Reference is also made to the fact that the SSO condition at the interceptor manhole just upstream of STP-1 was being addressed by the COW and that "planning is underway to make improvements to plant #1 to extend its life" for another 15 years.
- On page 2-4 of the COW Wastewater Facilities Plan dated July 2005, Strand states that "***The trunk line runs along Farm Creek for its full length and is relatively inaccessible. It is believed, based on available information, that portions of the 30-inch Farm Creek trunk sewer may be set at a grade of as little as 0.08%. It is suspected by the City that because of the flat grade at some locations, this line may contain significant accumulations of grit and debris, as it has never been cleaned since being constructed in 1974.***" I recommend reading the first 3 sections of this Plan.
- In 2007 the City was cited for failing to inspect the City's sanitary sewer system and manholes, resulting in the City agreeing to perform routine inspections of the manholes for the trunk sewer and the Westlake and Georgetown tributary sewers once every 3-4 years. The letter from City Administrator Bob Morris to the IEPA shows the difficulty in locating and inspecting these manholes.

Troy

Troy N. Pudik

Elias, Meghinnes & Seghetti, P.C.

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Peoria, Illinois 61602

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email: tpudik@emrslaw.com

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Jim Snider

From: Valeri Brod
Sent: Monday, January 8, 2024 9:57 AM
To: Jim Snider
Subject: FW: FW: Some additional tid bits
Attachments: Goat Springs, LLC - IEPA Memo re Closing of 2013 Consent Decree.pdf; Goat Springs, LLC - April 2013 email from City Engineer re no conversion of STP-1 to Excess Flow Facility rather a Parallel Sewer.pdf; Goat Springs, LLC - 1st References to Phase 2B by Ed Andrews of the COW in early 2014.pdf

Valeri Brod

City Clerk, FOIA/OMA Officer, City Collector, Glendale Cemetery Administration

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Date: Sun, Oct 8, 2023 at 8:36 AM
Subject: FW: Some additional tid bits
To: Michael McIntyre <gmcinty03@gmail.com>
CC: John Blundy <blundjj@gmail.com>

Forwarding this too. Troy found this as well in our most recent FOIA.

From: Troy N. Pudik <TPudik@emrslaw.com>
Sent: Friday, October 6, 2023 5:22 PM
To: cpudik (<cpudik@pudik.com> <cpudik@pudik.com>); Brett Pudik (<bpudik@ameritech.net> <bpudik@ameritech.net>)
Subject: Some additional tid bits

Attached are the following documents:

- Memo to file by IEPA that the IEPA Consent Decree has been complied with by the City and the IEPA is closing its file on the matter. The notion that the relocation of the Farm Creek trunk sewer is mandated by the IEPA or that the IEPA mandated the decommissioning of STP-1 as an excess flow facility is false.
- April 2013 email from City engineer, Ken Newman, that the plan is to evaluate the conversion of STP-1 to an excess flow facility once the Phase 2A improvements were completed and the construction of a parallel sewer between STP-1 and STP-2. See comment #3 from the IEPA and the City's response.
- Emails from Ed Andrews making the 1st references to Phase 2B in early 2014 – no other study, report, or documents prepared by Strand references Phase 2B to my knowledge.

Troy N. Pudik

Elias, Meginnes & Seghetti, P.C.

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Jim Snider

From: Valeri Brod
Sent: Monday, January 8, 2024 9:53 AM
To: Jim Snider
Subject: FW: Strand Misrepresentations
Attachments: Exhibit 1 - Strand Cost Misrepresentations.pdf; Exhibit 2 - Ravines & Stream Crossings - Rt.B.pdf

Valeri Brod

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From: Michael McIntyre <gmcinty03@gmail.com>
Sent: Monday, December 18, 2023 11:37 PM
To: Valeri Brod <vbrod@ci.washington.il.us>
Subject: Fwd: Strand Misrepresentations

----- Forwarded message -----

From: Brett Pudik <bpudik@ameritech.net>
Date: Sat, Nov 11, 2023 at 8:55 PM
Subject: Strand Misrepresentations
To: John Blundy <blundjj@gmail.com>, Liliya Stevens <lilija53@yahoo.com>, Michael McIntyre <gmcinty03@gmail.com>

All –

Good evening. I was not going to inundate you with more information to digest but since we have gone another month I thought it was necessary to remind you of why Strand's work needs to be scrutinized. There were many false and deceptive statements made by Strand and Carr last month – too many to get into here. I was also under the impression that steps were going to be taken to rescind the resolution adopting Strand Route B.

I am very disappointed that engineers within the industry are willing to deceive the public – this brings to the forefront huge ethical issues that engineers need to be aware of. I can't believe how Dennis Carr went on and on about how engineers can manipulate costs purposely with different size pipes and unit costs until they get the desired result – does

he not know this is a serious ethical issue? Our team has been accused of the very crimes the city's project team are guilty of here and it is a sad state of affairs and continues to get worse. When will this stop? I hope soon as any money spent on trying to further justify a design failure (Strand Route B) is money that could be spent towards a better solution for the good of the whole city. Our team has provided three sound examples (recommended E-3) that all meet the project goals better/ much better than Strand's Route B. We all know the political nature of this project and why it is a failure. Our team has been ethical and professional in our approach and our sharing of information professionally researched, organized and communicated. I can't say the same for the City's team on this project and those behind the scenes in charge of representing the city's best interests as a whole including city staff.

I'm including a couple exhibits that hit on a couple big issues. What I am including:

Exhibit 1: 2 pages outlining/ highlighting the latest cost manipulation to try and justify Strand's Route B. There is a \$2.2 M cost misrepresentation here. The costs between Route B and city routes E-3, L-1 and L-3 aren't even close.

Exhibit 2: 3 pages showing streams other than Farm Creek that Strand's Route B affects and will compromise access, are within floodplains/ actual streams and have wetland connectivity. I find it interesting how Waldron of Strand spent time discussing intermittent and ephemeral streams on the North side but conveniently failed to mention the same type of streams on the South side. The reason: because the impact is much greater on the south side/ Route B side. I also found it interesting he was trying to indicate these streams are similar to Farm Creek which is a complete stretch. You will find within Exhibit 2 streams other than Farm Creek that also need to be considered similar to those brought up by Strand. Farm Creek is a perennial stream with year-round flow. These streams Strand discussed and the ones within this exhibit are intermittent and/ or ephemeral streams – completely different than Farm Creek. But since they brought them up it is important to make sure all are considered equally ... sound familiar?

I'd be happy to respond to any questions you have or clarify anything.

-Brett

Brett Pudik, AIA, NCARB, LEED BD + C

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Jim Snider

From: Valeri Brod
Sent: Monday, January 8, 2024 9:53 AM
To: Jim Snider
Subject: FW: Takeaways from 12/11 Meeting - Strand Presentation
Attachments: December 11 Strand Pres Takeaways.pdf

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From: Michael McIntyre <gmcinty03@gmail.com>
Sent: Monday, December 18, 2023 11:30 PM
To: Valeri Brod <vbrod@ci.washington.il.us>
Subject: Fwd: Takeaways from 12/11 Meeting - Strand Presentation

Valeri,

I just received this and have not reviewed it but after reading Jim's email I am forwarding it to you for a record.

----- Forwarded message -----

From: Case Pudik <cpudik@pudik.com>
Date: Sun, Dec 17, 2023 at 10:30 PM
Subject: Takeaways from 12/11 Meeting - Strand Presentation
To: John Blundy <blundjj@gmail.com>, Liliya Stevens <lilija53@yahoo.com>, Brett Adams <brettmadams@hotmail.com>, Mike McIntyre <gmcinty03@gmail.com>
CC: Troy Pudik <tpudik@emrslaw.com>, Brett Pudik <bpudik@ameritech.net>

Good evening to you all,

I'm sharing a list of takeaways and supporting points/facts to mostly correct, but also provide deeper perspective on what you all heard last Monday. In full transparency, as we sit observing the presentation and the Q&A, it is difficult to hear misinformation but also wonder what may be resonating with important decision-makers.

The attached document is intended to shed light on several of the points made in the presentation and/or answers to your questions. I would like to distill all the information you have in the document into this one summary point: What is the truth about the options before you on this project? And who do you believe?

1. Is there a need - Yes.
2. Will the solution require a new trunkline – most likely yes (pending lagoon feasibility study)

I would point you to the inconsistencies in Strand's work and in their presentations/answers to your questions. I would also point out that a lack of detail in their analysis of the alternatives gives them the latitude to say nearly whatever they want and ask you to believe them. We've endeavored to provide you with provable facts, detailed figures, and ample time for review of them. We've used Strand's own criteria in doing so. We have nothing to hide. The same cannot be said for City leaders and Strand.

Millions of dollars, years of utility ownership and personal property is at stake. It's a lot. Shouldn't you be able to have clarity, detail and consistency in the information you are using to make a decision? Shouldn't the landowners whose property is at stake have the same as well?

A decision on a direction – may be asked of you tomorrow night (12/17) pending the lagoon results. Meaning, a motion may be made tomorrow night that approves both:

- a. The lagoon feasibility study and
- b. Route B if the lagoon option is not viable.

We ask that you NOT approve this type of motion. Furthermore, we ask that the Resolution for Route B be rescinded. Strand has been here 3 times to present their solution – do you have more or less questions? Do you feel confident about Route B? Strand has had (3) opportunities to convince you. Its time to rescind the resolution to get serious consideration for alternatives or an alternative approach not yet considered.

This is our ask of you. We appreciate your efforts, your willingness to listen and your continued consideration on this challenging project. Please reach out with questions. I've spoken to several of you this past week and will be reaching out to a couple more simple to ask where you are at this point and answer any questions you have.

Thank you again for everything you've done so far.

Case Pudik on behalf of Goat Springs.