

**MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF TRUSTEES  
OF FOX METRO WATER RECLAMATION DISTRICT  
HELD WEDNESDAY, SEPTEMBER 23, 2015**

The Board of Trustees met in a regular monthly meeting at 9:30 A.M. in the offices of the District at the Water Pollution Control Plant on Wednesday, September 23, 2015. Present were, Trustee James K. Detzler, Trustee Judith S. Sotir, Trustee Michael C. Funkey, Trustee Albert E. Heriaud, & Trustee Christopher F. Childress. Also present were Attorney Boyd Ingemunson, Philippe Moreau, Manager Thomas F. Muth, John Frerich and Mark Halm from Walter E. Deuchler, Controller Jimmie Delgado, Human Resources Coordinator Patrick Divine, Maintenance Supervisor Chris Morphey, Operations Supervisor Joel Ilseman, Field Services Manager Matt Woodin, and Norma Rodriguez.

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The bills were presented and read. It was moved by Trustee Sotir, that the bills be allowed as read, and that checks be drawn in payment account during the month of August 2015 in the amount of \$1,566,326.31 be ratified and approved. Motion was seconded by Trustee Funkey, put to vote and unanimously carried that the bills be paid as presented.

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It was moved by Trustee Sotir seconded by Trustee Funkey, put to vote and unanimously carried that the Treasurer's Report for August, 2015 be approved as submitted.

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It was moved by Trustee Funkey, seconded by Trustee Sotir, put to vote and unanimously carried that the minutes of the August 19, 2015 Regular Board Meeting be approved as written, each of the Trustees having received and read copies of said minutes before the meeting.

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It was moved by Trustee Detzler, seconded by Trustee Funkey, put to vote and unanimously carried that the Regular Board Meeting be temporarily adjourned for the Committee of Local Improvements.

The Regular Board Meeting adjourned at 9:35A.M.

In the Committee of Local Improvements Manager Muth reported to the Board that he would like to investigate whether the District has the potential to go solar. He said there are eleven agencies in IAWA's association that are interested in the feasibility of solar energy at their sites. A consultant approached these agencies and they are researching the possibility and the potential cost and benefits that this option could provide. There is a Service Agreement that delineates the tasks. This grant could be similar to a start-up where there are a certain number of hours that Mark Pruitt could provide to each District to start the process. Trustee Sotir asked if this was a State or

Federal Grant. Manager Muth said he did not have that information at this time but would investigate and provide her an answer. He said there is not a lot of information available regarding this program at this time. Trustee Sotir asked if it was a feasibility study at this point. Manager Muth said that it was.

Manager Muth said he would like to work with Trustee Childress and Attorney Dallas Ingemunson to research the energy savings and the legal aspects of the Solar Program and then come back to the Board with information to see if there is any potential.

Trustee Sotir asked if this Solar program would be for the Plant. Manager Muth said it could be for the Plant or a pumping station. Trustee Funkey asked if the plans for the South Plant as they are drawn were solar ready. Manager Muth said they are not solar but would be an adaptation. Trustee Funkey asked if the Plant needs to be solar ready or if a solar installation was available would it be compatible to the existing system. Mr. Moreau said it would be fairly easy to adapt a solar system into the generator power the District currently has. Trustee Childress said the important thing is, does the District have the space where the panels could be installed and the other issue would then be the inner connections where the electricity could be sold back to ComEd and that can be costly. He said from the information he has received, the cost to do a feasibility study and the availability of having solar at the District paid for by a grant has to be researched.

Manager Muth said this is just in its infancy but wanted to present it to the Board to view the advantages and see if it would be cost-effective and take advantage of the grant. He said he would like conceptual approval from the Board to do research and see if this could be viable at the District and report the findings at a later date. Trustee Sotir asked if other Districts are a part of this program. Manager Muth said there are two large agencies that have requested to be part of this program and they are Peoria and Rock River, along with numerous small Districts. Trustee Childress said he would call Mark Pruitt whom he knows is knowledgeable in the procurement of electric power and get details from him. All members were in agreement to move forward and research the feasibility of solar energy at the plant.

It was moved by Trustee Detzler and seconded by Trustee Funkey, put to vote and unanimously carried to reconvene the Regular Board Meeting.

Meeting reconvened at 9:45 A.M.

Attorney Ingemunson addressed the Board with the Attorney's Report. Attorney Ingemunson presented Resolution No. 928 Authorizing Ordinance No. 855, Annexation of Lynn A. Hoppenrath, to the Board for their approval, which read as Follows:

WHEREAS, FOX METRO WATER RECLAMATION DISTRICT ("DISTRICT") AND **LYNN A. HOPPENRATH**, Owner, has negotiated an Annexation Agreement for the annexation to the DISTRICT of approximately **.64 acres** of land located in Naperville Township, DuPage County, Illinois, a copy of said

proposed Agreement being attached hereto and incorporated herein, and

WHEREAS, a Public Hearing was duly held pursuant to statute and following publication as provided by law, on the **23<sup>rd</sup> day of September, 2015**, and no one having objected thereto, and

WHEREAS, the approval of said Annexation Agreement is in the best interest of Fox Metro Water Reclamation District,

WHEREAS, said territory described in said Petition is contiguous to Fox Metro Water Reclamation District, and

WHEREAS, it is hereby determined by the Board of Trustees of Fox Metro Water Reclamation District that it will inure to the benefit and welfare of the District if said territory is annexed to Fox Metro Water Reclamation District,

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Fox Metro Water Reclamation District as follows:

1. That the District hereby approves the Annexation Agreement between, **LYNN A. HOPPENRATH**, Owner and Fox Metro Water Reclamation District attached hereto and made part hereof.

2. That the President and Clerk of the Board of Trustees of Fox Metro Water Reclamation District are hereby authorized and directed to execute the attached Agreement in their capacity as President and Clerk for the Fox Metro Water Reclamation District, and that the Agreement as so provided is effective from the date of execution of said Agreement.

3. That Ordinance No. 855 annexing the territory there in described to the Fox Metro Water Reclamation District be and the same is hereby passed, and

4. That the Clerk and the Attorney for the District are hereby authorized and directed to make such steps to have said Ordinance filed with the County Clerk of **DuPage** County and recorded with the Recorder of said County according to the law in such case made and provided.

It was moved by Trustee Sotir, seconded by Trustee Funkey, put to vote and unanimously carried that Resolution No. 928, authorizing Ordinance No. 855, be approved as written

ADOPTED by the Board of Trustees of Fox Metro Water Reclamation District this **23<sup>rd</sup> day of September 2015**, by a roll call vote of 5 to 0.

Attorney Ingemunson presented Resolution No. 929 Authorizing Ordinance No. 856, Annexation of Anna L. Showerman, to the Board for their approval, which read as Follows:

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WHEREAS, FOX METRO WATER RECLAMATION DISTRICT (“DISTRICT”) AND **ANNA L. SHOWERMAN**, Owner, has negotiated an Annexation Agreement for the annexation to the DISTRICT of approximately **49,980 square feet** of land located in Batavia Township, Kane County, Illinois, a copy of said proposed Agreement being attached hereto and incorporated herein, and

WHEREAS, a Public Hearing was duly held pursuant to statute and following publication as provided by law, on the **23<sup>rd</sup> day of September, 2015**, and no one having objected thereto, and

WHEREAS, the approval of said Annexation Agreement is in the best interest of Fox Metro Water Reclamation District,

WHEREAS, said territory described in said Petition is contiguous to Fox Metro Water Reclamation District, and

WHEREAS, it is hereby determined by the Board of Trustees of Fox Metro Water Reclamation District that it will inure to the benefit and welfare of the District if said territory is annexed to Fox Metro Water Reclamation District,

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Fox Metro Water Reclamation District as follows:

1. That the District hereby approves the Annexation Agreement between, **ANNA L. SHOWERMAN**, Owner and Fox Metro Water Reclamation District attached hereto and made part hereof.

2. That the President and Clerk of the Board of Trustees of Fox Metro Water Reclamation District are hereby authorized and directed to execute the attached Agreement in their capacity as President and Clerk for the Fox Metro Water Reclamation District, and that the Agreement as so provided is effective from the date of execution of said Agreement.

3. That Ordinance No. 856 annexing the territory there in described to the Fox Metro Water Reclamation District be and the same is hereby passed, and

4. That the Clerk and the Attorney for the District are hereby authorized and directed to make such steps to have said Ordinance filed with the County Clerk of **Kane** County and recorded with the Recorder of said County according to the law in such case made and provided.

It was moved by Trustee Sotir, seconded by Trustee Funkey, put to vote and unanimously carried that Resolution No. 929, authorizing Ordinance No. 856, be approved as written

ADOPTED by the Board of Trustees of Fox Metro Water Reclamation District this **23<sup>rd</sup>** day of **September 2015**, by a roll call vote of 5 to 0.

Attorney Ingemunson presented Resolution No. 930 Authorizing Ordinance No. 857, Annexation of Srinivas Paruchuri, to the Board for their approval, which read as Follows:

WHEREAS, FOX METRO WATER RECLAMATION DISTRICT (“DISTRICT”) AND **SRINIVAS PARUCHURI**, Owner, has negotiated an Annexation Agreement for the annexation to the DISTRICT of approximately **.45 acres** of land located in Naperville Township, DuPage County, Illinois, a copy of said proposed Agreement being attached hereto and incorporated herein, and

WHEREAS, a Public Hearing was duly held pursuant to statute and following publication as provided by law, on the **23<sup>rd</sup> day of September, 2015**, and no one having objected thereto, and

WHEREAS, the approval of said Annexation Agreement is in the best interest of Fox Metro Water Reclamation District,

WHEREAS, said territory described in said Petition is contiguous to Fox Metro Water Reclamation District, and

WHEREAS, it is hereby determined by the Board of Trustees of Fox Metro Water Reclamation District that it will inure to the benefit and welfare of the District if said territory is annexed to Fox Metro Water Reclamation District,

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Fox Metro Water Reclamation District as follows:

1. That the District hereby approves the Annexation Agreement between, **SRINIVAS PARUCHURI**, Owner and Fox Metro Water Reclamation District attached hereto and made part hereof.

2. That the President and Clerk of the Board of Trustees of Fox Metro Water Reclamation District are hereby authorized and directed to execute the attached Agreement in their capacity as President and Clerk for the Fox Metro Water Reclamation District, and that the Agreement as so provided is effective from the date of execution of said Agreement.

3. That Ordinance No. 857 annexing the territory there in described to the Fox Metro Water Reclamation District be and the same is hereby passed, and

4. That the Clerk and the Attorney for the District are hereby authorized and directed to make such steps to have said Ordinance filed with the County Clerk of **DuPage** County and recorded with the Recorder of said County according to the law in such case made and provided.

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It was moved by Trustee Sotir, seconded by Trustee Funkey, put to vote and unanimously carried that Resolution No. 930, authorizing Ordinance No. 857, be approved as written

ADOPTED by the Board of Trustees of Fox Metro Water Reclamation District this 23<sup>rd</sup> day of **September 2015**, by a roll call vote of 5 to 0.

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Philippe Moreau addressed the Board with the Engineer's Report. Mr. Moreau requested approval of Partial Payment No. 1 to Kirwan Mechanical Services, Inc. in the amount of \$28,395.00 for Building E. Boiler Installation Project. It was moved by Trustee Sotir seconded by Trustee Funkey, put to vote and unanimously carried that payment be made in the amount of \$28,395.00 to Kirwan Mechanical Services, Inc., for work completed on Building E Boiler Installation Project.

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Mr. Moreau requested approval of Partial Payment No. 14 to Mechanical, Inc., in the amount of \$8,535.78 for Air Main Header Replacement Project. It was moved by Trustee Sotir seconded by Trustee Heriaud, put to vote and unanimously carried that payment be made in the amount of \$8,535.78 to Mechanical, Inc., for work completed on Air Main Header Replacement Project.

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Manager Muth addressed the Board with the Manager's Report and advised the Board that the District has three farmland leases that are up for renewal. There have been no changes to the Lease Agreements and Manager Muth requested the Board approve the renewal of Walker Road Farm #1, Walker Road Farm #2 and Grove Road Farm.

It was moved by Trustee Sotir, seconded by Trustee Funkey, put to vote and unanimously carried that the renewal of Walker Road Farm #1, Walker Road Farm #2 and Grove Road Farm be approved as written.

Manager Muth updated the Board regarding the IAWA Conference which took place from September 15<sup>th</sup> until September 18<sup>th</sup> in Springfield, IL.

Kip Kolkmeier presented the group with a lobbyist standpoint of how he represents the IAWA and didn't give the State high marks. He couldn't understand that they don't have a budget but yet are paying 90% of the bills. He said at the rate they are spending, the State will be bankrupt in March. He felt good about the bills that the IAWA had been proposing.

Manager Muth said based on Marcia Willhite's discussion there are going to be more stringent regulations on the horizon. The possibility of having the Ammonia levels to be cut in half are likely to protect the mussels in the streams. He said Fox Metro has been doing mussel samples for the past several years and the District can provide the IEPA with their study results regarding mussels and the fact that they are thriving and doing very well in our effluent plume.

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Manager Muth reported that the USEPA is planning to eliminate seasonal disinfection. They didn't explain why and that is not good news because Fox Metro does seasonal disinfection.

Manager Muth reported that Fox Metro received good press from the IEPA with the Fox River Study Group. They gave Fox Metro a positive review and called us a model.

Manager Muth went on a tour of the Springfield's Waste Water Treatment Plant that is approximately three and a half years old. Manager Muth said it was great to see a state of the art facility which had high capabilities. He said across the street was the other old facility that had not been maintained very well.

Trustee Sotir added that there is always the talk of nutrient and phosphorous removal. Amonia, E-Coli and Chloride removal was also discussed that needed to be addressed. She said particularly one thing regarding phosphorous as we are moving from the 3 to 1 part per million it is only a placeholder and that based on their studies those are going to be reduced as well. She said it is important to know what direction we are moving in and how this is going to affect us in the future. Manager Muth said Fox Metro can reduce Phosphorous to one part per million but to reduce it to 1/2 is going to take some great cooperation from a process standpoint and it is going to take the utilization of many chemicals. To get it to .1 part per million is going to be expediential in cost and the amount of chemical that has to be utilized. Manager Muth said Fox Metro is not ready nor does the science gathered to date warrant even discussion of that extreme limit.

Manager Muth said he and Bob Trueblood were able to meet with Al Keller and Amy Dragovich of the IEPA Permit Section. The discussion focused on the timeline to implement Phosphorous removal to 1 ppm. We discussed the model and the results indicated that reducing Phosphorous to .5ppm does not show river conditions improving. We mentioned the importance of an extensive river sampling program 6 to 7 years from now to see if the river had improved.

Trustee Childress said that unfortunately the IEPA does not look at the cost to the rate payer and that is unfortunate. Manager Muth said the District has a responsibility to remove phosphorous to one part per million and Fox Metro is going to accomplish that. It will help the Gulf and the Fox River but to go below one part per million, results have to be proven scientifically.

Trustee Funkey said he saw an informational piece regarding the University of Notre Dame and one of their professors is heading a study regarding clean water. They are working with the farmers and they have significantly reduced the chemical runoff as a result of weed killers and fertilization. He asked if the IAWA is working with these groups. Trustee Sotir said they are and are also trying to highlight the farmers that are doing the best job and are promoting it as strongly as possible. Trustee Funkey asked what happens in our area because this is a big issue. Manager Muth said the Fox River Study Group along with other environmental groups have met with other farm bureaus

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and spoke with them about a strategic plan and how they can do best management practices on the farm. He said he was not certain the IEPA was at the level of nutrient removal as they are in the Springfield, Champaign and Decatur area where the farms are more prevalent. Trustee Funkey asked what the IEPA's collaboration would be with the farmers in this area. Manager Muth said the Fox River Study Group seems very positive with regard to their discussions and with the fact that the farmers are willing to listen and are being somewhat proactive. The key to this is that the runoffs happen in wet weather flows but our model is always looked at seven day ten year conditions and that is how we are graded because we are the only flow to the river during a seven day ten year low flow. The river is tested for the impairments of Phosphorous, offensive conditions and dissolved oxygen, fecal coliform and the like during the low flow period.

Trustee Sotir added that another item that came up at the IAWA conference was regarding the loan process and the loan rules. The item that would affect Fox Metro is the discount on the interest rate for green initiatives because that is one of their goals but the eligibility for this is going to be broader and taking in some of the smaller firms as well as governmental projects. They are working on making storm water projects available, watershed partnerships; reusing and recycling waste water and security measures. Fox Metro has a lot of potential in these categories. Manager Muth said the positive side of this is that we are in a position today to get the loan and others are not ready and have not been as proactive as we have been.

Manager Muth stated there would be no Executive Session this month.

Operations Supervisor, Joel Isleman reported that the Phosphorous removal pilot study is going well, there was a set-back when one inch of rain fell in fifteen minutes last Saturday morning. The pilot had to be stopped and then restarted. The first two sets of numbers look promising.

At 10:00 A.M., Manager Muth opened and read aloud bids received for South Wastewater Treatment Facility Improvements as follows: River City Construction – Total Base Bid \$87,927,000.00; Joseph J. Henderson – Total Base Bid \$90,499,000.00; F H Paschen IHC – Total Base Bid \$88,600,000.00; James McHugh Construction – Total Base Bid \$91,290,165.31; The Engineer's estimate for this project was \$105,000,000.00. It was moved by Trustee Sotir, seconded by Trustee Sotir, put to vote unanimously carried that the low bid of River City be accepted for \$87,927,000.00 pending specification review by Fox Metro Water Reclamation District and Walter E. Deuchler Engineering Staff and IEPA loan approval and the bid for F H Pachen IHC, for \$88,600,000.00 be held second pending such review.

Manager Muth opened and read aloud bids received for Waubonsie Intereptor River Crossing Project as follows: Steve Spiess Construction – Total Base Bid \$5,426,942.00; H Linden & Sons – Total Base Bid \$6,222,000.00; Swallow Construction – Total Base Bid \$7,978,210.00; Bolder Construction – Total Base Bid \$5,673,000.00. The Engineer's estimate for this project was \$6,000,000.00. It was

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moved by Trustee Sotir, seconded by Trustee Funkey, put to vote and unanimously carried that the low bid of Stee Spiess Construction, be accepted for \$5,426,942.00 and the bid of Bolder Construction for \$5,673,000.00 be held pending specification review by Fox Metro Water Reclamation District and Walter E. Deuchler Engineering Staff and IEPA loan approval.

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Manager Muth opened and read aloud bids received for Chlorination Improvements Project as follows: R J O'Neil – Total Bid \$338,790.63; The Engineer's estimate for this project was \$275,000.00; Mr. Moreau said the reason we only had one bidder for this project was the other bidders were busy putting together the bid for the South Plant and did not have time to prepare for this project. Trustee Childress asked if this project could go out for rebid. Mr. Moreau said it can but there is only a small window to complete this project which is from November 1, 2015 through April 30, 2015. Manager Muth said this would be to improve our chlorine protection and to retrofit our equipment so it is strategic. Trustee Funkey asked if we missed the window this year if it could be picked up next year. Manager Muth said it can be delayed but currently we don't have the best system available. Joel Ilseman said that the automaton that we currently have is not up to date so it needs a lot of manual input to prevent an excursion and we need to use more chemicals. Trustee Funkey said he is inclined to go out for bid again this year and put perimeters that the project needs to be completed April 30, 2015. Manager Muth said the seasonal excavation and time to purchase the equipment is critical. The completion of the project has to be done prior to April 30, 2015 to be in compliance with the permit and not have a violation of over chlorination. John Frerich said there should be no issue if this project goes out to rebid in the October 21, 2015 Board meeting, we just have to speed up the contract approval, the engineer review and the signing of the contract. It was moved by Trustee Sotir, seconded by Trustee Funkey, put to vote and unanimously carried to rebid the contract for Chlorination Improvements to be opened on October 21, 2015 at 10:00 a.m. Board of Trustees Meeting.

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Manager Muth opened and read aloud bids received for Building P-1 Remodel Phase 3 Project as follows: Commercial Mechanical, Inc., – Total Bid \$683,000.00; Path Construction – Total Bid \$589,700.00; L.J. Dodd Construction – Total Bid \$557,000.00; Poulos Construction – Total Bid \$597,000.00; L. J. Morse – Total Bid \$534,900.00; Lite Construction – Total Bid \$513,678.00; RC Wegman – Total Bid \$568,000.00. Engineer's estimate for this project was \$750,000.00. It was moved by Trustee Sotir, seconded by Trustee Funkey, put to vote and unanimously carried that the low bid of Lite Construction, be accepted for \$513,678.00 and the bid of L.J. Morse for \$534,900.00 be held pending specification review by Fox Metro Water Reclamation District and Walter E. Deuchler Engineering Staff.

Trustee Funkey asked Manager Muth if there was a reason to require a cashier's check rather than a bid bond for our projects other than the fact that it has always been done this way. Manager Muth said this is a way to confirm that the companies that are bidding are viable and can handle this type of project. Trustee Funkey asked if there was any greater protection to the District by requiring a cashier's check. Attorney

Ingemunson said the protection is if we get a contractor that is not solvent and we have a bad project and we have to call in the bid bond. Trustee Funkey said why not continue that practice and go straight to a bid bond. Trustee Funkey said he would like for staff to prepare an analysis for the Board outlining what the pros and cons are and why we should continue that process because he does not see the need for a cashier's check. He believes we should just request a bid bond. Manager Muth said staff will review this matter.

Trustee Childress asked that the contractors are required to use prevailing wages because they are working with the District. He asked how that is enforced. Manager Muth said they have to submit certified payroll.

In Public Comments Mr. Todd Milleion addressed the Board and said that perhaps some of the reason some of the contractors submitted a Cashier's Check was is the cost of a Bid Bond and it automatically becomes a Performance Bond and the fees for those are approximately 3% if you meet the underwriter's requirements. But when they underwrite a bid bond they do it as a Performance Bond because they are assuming that the bidder will get the job. This is a promise by the surety company that they will give them the Performance Bond so all the underwriting is done up front. He said for example what a person would do instead of having the 3% fee of \$500,000.00 they would submit a Cashier's Check so they would only lose the cost of the money for a couple of days for taking the money out of their account. This is why there are those smaller contractors submitting that because there is a cost to them to have a bid bond and this is why the District may be seeing some of those checks. Mr. Milleion said he believed there is also a fee for the Performance Bond to make sure the work gets completed. He said these costs would probably be included in the original bid. He said it would be cheaper to submit a Cashier's Check assuming they had the cash.

Trustee Sotir agreed with Trustee Funkey that an analysis should be prepared on the pros and cons of using a Bid Bond instead of a Cashier's Check.

Trustee Childress said that he wanted to work with Controller Jimmie Delgado and Manager Muth over the next month to get locked in on the gas over the Winter. We are still under contract March of 2016. We are riding the market right now and have done very well because right now is approximately .26 cents a therm but we are exposed through the winter.

Trustee Heriaud said he enjoyed the IAWA meeting and was pleased that Matt Woodin and Jimmie Delgado were able to attend. He said this will expand their horizon.

Trustee Sotir wanted to add that she is very excited about the new plant and the bids came in fantastic. Philippe Moreau said the total price tag was at \$93,500,000.00 so the bid results were very good.

Trustee Funkey wanted status on the Prairie Beautification Project. Manager Muth reported that the seed will be planted this week. The ground is tilled up, irrigation

system is ready and bales of hay are ready to go. The project will begin with two acres and once the rest of the facility has been prepared for planting, the project will move forward to seed the other three acres.

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With no New Business to come before the Board, it was moved by Trustee Detzler, seconded by Trustee Sotir, put to vote and unanimously carried that this meeting be adjourned.

The Regular Board Meeting reconvened at 11:50A.M.