

**MINUTES OF THE REGULAR MEETING
OF THE BOARD OF TRUSTEES
OF FOX METRO WATER RECLAMATION DISTRICT
HELD WEDNESDAY, FEBRUARY 17, 2016**

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, February 17, 2016. Present were, Trustee James K. Detzler, Trustee Judith S. Sotir, Trustee Michael C. Funkey, Christopher F. Childres & Trustee Albert E. Heriaud. Also present were Attorney Dallas C. Ingemunson, Manager Thomas F. Muth, District Engineer, Philippe Morreau, John Frerich from Walter E. Deuchler, Controller Jimmie Delgado, Human Resources Coordinator Patrick Divine, Operations Supervisor, Joel Ilseman, Field Services Manager Matt Woodin, and Norma Rodriguez. Also in attendance Leo Pawlowski Sr., from Northeast Neighbors.

9022

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 January, 2016 in the amount of \$2,022,606.37 be ratified and approved. Motion was seconded by Trustee Funkey, put to vote and unanimously carried that the bills be paid as presented.

9023

It was moved by Trustee Sotir seconded by Trustee Heriaud, put to vote and unanimously carried that the Treasurer's Report for January, 2016 be approved as submitted.

9024

It was moved by Trustee Sotir, seconded by Trustee Funkey, put to vote and unanimously carried that the minutes of the January 20, 2016 Regular Board Meeting be approved as written, each of the Trustees having received and read copies of said minutes before the meeting.

9025

With no Public Comments, 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.

Manager Muth addressed the Board with the Committee of Local Improvements and introduced Jim Savio from Sikich who reviewed with the Board the Annual Financial Audit for the fiscal year May 31, 2014 and 2015. After considerable review, Mr. Savio reported that the District had no material deficiencies, there were no issues with our accounting and we have no material adjustments.

9026

With no other matters to come before the Committee of Local Improvements, it was moved by Trustee Detzler, seconded by Trustee Sotir, put to vote and unanimously carried that the Regular Board Meeting reconvene.

The Regular Board Meeting reconvened at 9:45 A.M.

Attorney Ingemunson advised the Board there was no Attorney Report this month.

9027

Philippe Moreau addressed the Board with the Engineer's Report. Mr. Moreau requested approval of Partial Payment No. 4 to Lite Construction, in the amount of \$106,708.50 for Building P-1 Remodel Phase 3 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 \$106,708.50 to Lite Construction, for work completed on Building P-1 Remodel Phase 3 Project.

9028

Mr. Moreau requested approval of Partial Payment No. 5 to Lite Construction, Inc., in the amount of \$156,235.50 for Building J Improvements 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 \$156,235.50 to Lite Construction, Inc., for work completed on Building J Improvements Project.

9029

Mr. Moreau requested approval of Partial Payment No. 1 to Aqua Aerobics, in the amount of \$323,973.05 for Filter No. 2 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 \$323,973.05 to Aqua Aerobics, for work completed on Filter No. 2 Project.

9030

Mr. Moreau requested approval of Partial Payment No. 2 to Dahme Mechanical Industries, Inc., in the amount of \$109,045.80 for Chlorination Improvement 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 \$109,045.80 to Dahme Mechanical Industries, Inc., for work completed Chlorination Improvement Project

9031

Mr. Moreau requested approval of Partial Payment No. 4 to R.J. O'Neil, in the amount of \$17,513.46 for H-3 & D4 Mechanism Replacement, Installation Contract 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 \$17,513.46 to R.J. O'Neil, for work completed on H-3 & D4 Mechanism Replacement, Installation Contract Project.

9032

Mr. Moreau requested approval for Partial Payment No. 1 to Steve Spiess Construction, Inc., in the amount of \$80,550.00 for Waubonsie Interceptor River Crossing 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 \$80,550.00 to Steve Spiess Construction, Inc., for work completed on the Waubonsie Interceptor River Crossing Project.

9033

Mr. Moreau requested approval for Partial Payment No. 2 to River City Construction, LLC in the amount of \$261,346.50 for the South Waste Water Treatment Plant Improvements 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 \$261,346.50 to River City Construction, LLC, for work completed on the South Waste Water Treatment Plant Project.

In the Manager's Report, Manager Muth advised the board the District received positive PR from Fran Caffee who wrote an article printed in the Voice Newspaper.

Manager Muth also reviewed the bar graphs for the revenues from the Commercial, Industrial and Residential Permits issued by Fiscal year and Calendar year. These graphs are helpful when working on the budget.

Manager Muth said in December 2016 Organizational Goals were presented. This included Plant, Administrative and Strategic Goals. Manager Muth distributed Departmental Goals for the Boards review. He said the Departmental Goals are reasonable and attainable. Trustee Childress wanted to confirm that those were the goals considered for efficiency incentive at the end of the year. Manager Muth said that was correct.

Manager Muth updated the Board on the Kendall County variance process. The agenda for yesterday's Kendall County Board meeting had the District's two variances under one ordinance. During the Public Comments portions of the Board Meeting a citizen advised the Kendall County Board that his attorney filed a Motion for an Emergency Injunction to prevent the Board from voting on Fox Metro's Variances. The Board took a small recess to obtain more information regarding the legal issue. Our attorney Boyd Ingemunson met with the resident and his attorney and together were able to come to an agreement to split the Ordinance and if the Board approved it, allow one variance to move forward and the other to be continued or tabled. Ultimately, the Board unanimously agreed to approve one of the Variances which will allow us to get the storm water project permit and have the contractor move forward once they get their permit from the IEPA. Our attorney was instrumental in achieving this outcome.

Kendall County has never had a Storm Water Permit like this before or a variance process like this. Fox Metro is the first to go through it and Kendall County recognized the inconsistencies and errors in their Ordinance and we are working through it with staff. The County is also willing to work on the fee.

Trustee Sotir asked what the purpose of the fee was. John Frerich explained that the fee paid to the County is earmarked for other storm water related projects. It is either pay the fee or we have to find land some place else to do it or construct it ourselves. Mr. Frerich said right now we don't have the option of building the storm water facility on site due to lack of space. Trustee Funkey asked what needed to be constructed because as far as he understood we just needed a place for water to sit until it goes into the river. Mr. Frerich said that was correct but water detention is not easy, a large amount of land is needed. Trustee Funkey asked if this would be an expensive project. Mr. Frerich said if we don't have land on site then the District



would have to purchase land. The variance that was approved by the Kendall County was so that we can build on our site which is what we were trying to accomplish. The other part was strictly the flood plain area. Trustee Sotir asked how the IEPA deals with these issues. Mr. Frerich said they don't because these are local matters. Trustee Funkey wanted to confirm because our construction extended down into the flood plain area, we have to make it up somewhere else. Mr. Frerich confirmed that was correct and that's why the county asked us to do a one to one compensation and the only property that the District has large enough is the Orchard Road site and said it doesn't make an impact they just wanted value for value. The two different variances are the water retention and fee in lieu of and the compensatory storage is the other variance.

Manager Muth said the resident who filed the Injunction and other residents near the Orchard Road property are upset because they were not physically notified of the construction being proposed there. The County advises us who to notify and we notified every resident within 250 feet from our plant site because that is where our variances originate. We followed the county Ordinance and Kendall County or their staff did not give us any indication that Fox Metro was required to notify any residents around our pumping station on Orchard Road. This is why the lawsuit was filed because they feel they should have had a Public Hearing and properly notified. We did everything the County required Fox Metro to do and the County Ordinance did not indicate that we had to notify Orchard Road Residences.

Manager Muth said our site will be looked at to see if on site compensatory storage is possible. We have 9.39 acres feet of compensatory storage lost and he said a hydraulic model was performed to see what the impact was on the river by losing that 9.39 acres, what height of the river was lost. The model showed that the impact was a quarter of an inch higher in elevation.

Trustee Funkey said we need to identify what the resident's complaints are and try to satisfy those complaints. Do as much as we can on that site because we have the ability and also identify where the replacement compensatory storage will have to be.

The next topic Manager Muth brought to the Board was the option of having a ground breaking ceremony for the south Plant. He said his thoughts on the matter were that he believes an upgrade is needed on our website promoting literature and articles would be a more effective line of communication and positive PR than a ground breaking ceremony but will honor whatever the Board decides. Trustee Sotir said from a PR standpoint a ground breaking ceremony is a good idea because it gets people aware of what is going on. Trustee Childress' concern is that we will be spending money on a ground breaking ceremony and it does not make the District look very good. Manager Muth said his thoughts were to provide updates on a monthly basis on our website on the progress of the construction and the District will need help doing that because we don't have the staff to accomplish this. Trustee Heriaud suggested perhaps using Sikich who assisted the District with the South plant. Manager Muth said that is an option. The District can provide the information



and Sikich can get it out to the public. Trustee Sotir said she would also like to see an extra page on our website which talks about the progress of the construction of the South Plant because this is a long term process and the groundbreaking can be announced on our website instead of having actual ceremony on site. Trustee Sotir can assist with this project.

Continuing with the Manager's Report, Mr. Jimmie Delgado advised the Board that the District was notified in late January that IMRF wanted to do an audit. The goals of the auditor is to review the earnings and the contributions that the District reports to IMRF and insure these earnings and contributions are in compliance with the Illinois Pension Code. All documentation and information that was requested from them was provided and there were no negative findings. One of their questions was should any of our subcontractors be on IMRF. We do have one subcontractor who works on the programming for our billing system. There were not findings with regard to that matter either. The last time we had an IMRF audit was in 2009 and they just want to make sure that everything is being reported correctly. Trustee Childress asked if the Resolution states participants work 600 or 1,000 hours. Mr. Delgado said the Resolution that was entered in March of 1989, states participants work 1,000 to qualify for IMRF.

The next item on the Manager's Report Manager Muth advised the Board that there will be a Public Hearing on February 24, 2016 at 10:00 a.m., here at the District regarding three requirements that are in our permit. The requirements are the Pollution Prevention Plan, CSO Operations and Maintenance Plan and the Public Notification Program.

9034

Manager Muth requested an Executive Session be held to discuss personnel and any related matters. It was moved by Trustee Sotir, seconded by Trustee Funkey, put to vote and unanimously carried that at the conclusion of New Business of today's meeting, we will temporarily adjourn for an Executive Session.

In New Business Operations supervisor Joel Ilseman reported the Plant is running well.

Controller Jimmie Delgado reported that finances are good, just completed the IMRF audit and a Worker's Comp audit.

Manager Muth reported that the District received one odor complaint this month. The gas regulator for our flare broke so the plant was unable to burn the Methane gas which caused the odor. The part was ordered, was installed yesterday, and is back in operation.

9035

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 for Executive Session.

The Meeting temporarily adjourned at 10:46 A.M

The Regular Board Meeting reconvened at 11:20 A.M.

President Detzler announced there were no further decisions reached in Executive Session, therefore it was moved by Trustee Sotir, seconded by Trustee Funkey, put to vote and unanimously carried that the Board Meeting be adjourned.

Meeting adjourned at 11:23 A.M.