



**MINUTES OF THE REGULAR MEETING
OF THE BOARD OF TRUSTEES
OF FOX METRO WATER RECLAMATION DISTRICT
HELD WEDNESDAY MAY 23, 2018**

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, May 23, 2018. Present were, Trustee Judith S. Sotir, Trustee Michael C. Funkey, Trustee Christopher F. Childress, Trustee David Krahn and Trustee Albert Heriaud. Also present were Attorney Gregg Ingemunson, Manager Thomas F. Muth, District Engineer John Frerich, Human Resources Coordinator Patrick Divine, Plant Manager Matt Woodin, Engineering and Field Operations Supervisor Keith Zollers, Maintenance Supervisor Chris Morphey, and Norma Rodriguez.

10261

The bills were presented and read. It was moved by Trustee Funkey that the bills be allowed as read, ratify and approve the checks drawn during the month of April 2018 in the amount of \$4,776,640.81. Motion was seconded by Trustee Heriaud put to vote and unanimously carried that the bills be paid as presented.

10262

It was moved by Trustee Funkey seconded by Trustee Childress, put to vote and unanimously carried that the Treasurer's Report for April, 2018 be approved as submitted.

10263

It was moved by Trustee Funkey, seconded by Trustee Childress, put to vote and unanimously carried that the minutes of the April 18, 2018 Regular Board Meeting and the Minutes of the May 2, 2018 Special Board Meeting be approved as written. Each of the Trustees having received and read copies of said minutes before the meeting.

10264

With no Public Comments, it was moved by Trustee Funkey, seconded by Trustee Childress, 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 9:39A.M.

In the Committee of Local Improvements Manager Muth gave a presentation to the Board regarding Interagency Coordination and Regulatory Compliance Updates. The overview of the presentation included a Fox River Study Group update. There is continuing monthly sampling throughout the watershed. More modeling is being conducted with a consultant and the Fox database update is to be completed in July 2018.



All NPDES permittees in the Fox River watershed are required to participate in the Fox River Study Group and follow initiatives from the Fox River Implementation Plan

The Fox River Study Group and the IEPA met with USEPA on April 10, 2018 to discuss upcoming permit renewals. This was briefly discussed in last month's Board Meeting. Draft permit language was received from the USEPA last week. New draft permits will be issued in the next few months for many wastewater districts through the Fox River tributary. The USEPA throughout this process agreed to some compromises. Some of the compromises were; the USEPA wanted phosphorus to be on a monthly average but with the help of the IEPA and the environmental groups, the USEPA is allowing it to be a yearly average based on a rolling monthly average. This is something that needs to be discussed because this is a new change compared to what was discussed with them on April 10, 2018. Trustee Childress inquired if this was less stringent. Manager Muth said it was less stringent but he is concerned about the rolling monthly average. This is better than a monthly average that the USEPA has had and is used to having and some of the language has been revised. Discussion ensued regarding phosphorus limits. Trustee Childress inquired if there were numbers attached and what is going to cost the rate payers. Manager Muth said as part of the District special conditions it advised the IEPA what it would cost for the District to implement the one part per million, 0.50 part per million or 0.10mg/l. That information was submitted as a very large document to the IEPA. Discussion ensued regarding the long term control plan.

Manager Muth continued with his presentation and gave a history of Turkey Creek Storm Sewer. Turkey Creek is a huge storm sewer system constructed on the West side of Aurora. The Aurora Sanitary District built this storm sewer in the 1950's because they had a Compliance Commitment Agreement with the Pollution Control Board. It was required for this storm sewer to be built because there was not enough capacity to meet the demand of growth. Turkey Creek sewer system runs from the Fox River near Prairie and River Street to Elmwood Dr. and Indian Trail. Since that time, Aurora has built other sewer systems without consulting with Fox Metro. The City of Aurora maintains and operates all storm sewers within City limits. They are the permitted entity by the IEPA to operate and maintain the storm sewer system discharging into the Fox River and expanded from its original constructed limits over many decades.

Fox Metro WRD and City of Aurora would like to enter into an Intergovernmental Agreement and transfer ownership of the Turkey Creek Storm Sewer to the City of Aurora at no cost. This will also transfer all easements of record to Aurora and they will assume all responsibility for the maintenance, reconstruction, repairs, removal, replacement, inspection and operation of the storm sewer.

Another topic in Manager Muth's presentation was the Illinois Association of Wastewater Agency's (IAWA) blending issue. Building T at the plant was built

as a wet weather storage and discharge flow and is blended with fully treated flow. All flows are then chlorinated and dechlorinated prior to entry to the Fox River. It is important this integrity for the combined sewer overflow long term control plan compliance. A diagram was shown that showed the annual overflow events per year from 2009 through 2018. In 2009 there were 14 overflows, 2010 had 1, 2011 had 8, 2012 had 0, 2013 had 2, 2014 had 0, 2015 had 1, 2016 had 0, 2017 had 1 and 2018 to date had 1. Discussion ensued

At this time, it was moved by Trustee Funkey, seconded by Trustee Childress, put to vote and unanimously carried that the Committee of Local Improvements be temporarily adjourned and the Regular Board Meeting be reconvened.

The Regular Board Meeting reconvened at 10:00 A.M.

Attorney Ingemunson called for the Public Hearing regarding the 2018/2019 Fiscal Year Budget. Notice of said Public Hearing was duly published in the Beacon News. The Board of Trustees approved Ordinance No. 873 in tentative form at the April 18, 2018 Meeting.

There being no further questions from the Board and no comments from the public, Attorney Ingemunson presented Resolution No. 960 to the Board for their approval.

WHEREAS, Fox Metro Water Reclamation District, on April 18, 2007, passed in tentative form Ordinance No. 873 entitled:

“AN ORDINANCE OF THE BOARD OF TRUSTEES OF FOX METRO WATER RECLAMATION DISTRICT APPROPRIATING MONIES FOR ITS CORPORATE PURPOSES (“ENTERPRISE FUND”) TO BE EXPENDED DURING THE FISCAL YEAR BEGINNING JUNE 1ST, 2018 AND ENDING MAY 31ST 2019 AND SETTING FORTH ITS ANNUAL BUDGET,” and,

WHEREAS, pursuant thereto, notice of a public hearing on said Ordinance No. 873 was published in the Beacon News at least 30 days prior to said hearing date, May 23rd, 2018, and

WHEREAS, a public hearing was held at 10:00 o’clock A.M. on May 23rd, 2018 in the Board Room of Fox Metro Water Reclamation District at 682 A Route 31, Oswego, Illinois 60543 and that pursuant to said Notice, no amendments or corrections were made to proposed Ordinance No. 873;

NOW, THEREFORE, BE IT RESOLVED, that Ordinance No. 873, a copy of which is attached as Exhibit “A”, is hereby passed in its final form.

10265

It was moved by Trustee Funkey, seconded by Trustee Childress, put to vote and unanimously carried that Resolution No. 960, adopting Ordinance No. 873, Appropriations Ordinance for FY 2018/2019 Budget, be approved as written.

ADOPTED by the Board of Trustees of Fox Metro Water Reclamation District this 23rd. day of May, 2018 by a voice vote of 5 to 0.

10266

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

Manager Muth continued with his presentation and stated that the IAWA successfully negotiated with region V to allow blending to continue. In 2018 the USEPA had a press release “taking action on a new rule that will give municipalities much-needed clarity”. May be for separate sewer systems only. There will be a stakeholder outreach in the coming months and the IAWA will closely monitor the proceedings on this. There is concern because the press release is a little vague and it is unknown how it will affect the District. The IAWA has a very active Blending Sub-Committee. Discussion ensued

The next item in the presentation was the Waubonsie Interceptor River Crossing. There was Threatened and Endangered Species Compliance. There was an IDNR Incidental Take Authorization (ITA) due to endangered fish. Fox Metro was able to use existing “data library” as preconstruction monitoring. It provided a preconstruction monitoring report and conservation plan in 2015. Before and during construction of the Waubonsie Interceptor River Crossing, all fish and mussels were relocated by biologists with approved methods. All the data was provided to IDNR. There was a 60-day post-construction species list provided in 2016 after initial crossing work was completed.

Species lists have been submitted to IDNR each year. Three years of post-construction monitoring is required and a post-construction monitoring report is required until 2020 to demonstrate that construction of the river crossing did not have any impact on the aquatic lives habitat.

The next item in the presentation was Kendall County and the process of Waste Water Treatment Plant Rezoning. Currently Fox Metro is constructing a new Operations and Maintenance (O&M) building. Construction plans and progress of construction has been shared with the Board in past meetings. Currently initializing permitting process and the District has encountered some issues. In 2011 Kendall County Planning Department and staff recommended that the South Plant parcels be rezoned from R-1 to R-1 Special Use. Existing North parcels were already zoned M-1. Now the new staff at Kendall County Planning Department is recommending that the entire property needs to be rezoned M-1 to be cohesive and consistent with Kendall County’s Comprehensive Long Range Management Plan. The difference between R-1 and R-1 Special use is that R-1



Special Use has many restrictions and there has to be site plans developed and there is little to no deviation from those plans. When this was originally zoned for the South Plant, Kendall County did not have an existing Ordinance. They had an Ordinance for the North Plant so both the North and South were combined in same Ordinance and zoned R-1 Special Use. But now when the District is seeking permits for the Operations and Maintenance Building there are a lot of issues that have developed due to the zoning. Kendall County is suggesting to zone the entire property as M-1 Manufacturing and that will alleviate the issues and allow more flexibility for future improvements. They said in their overall land use plan was manufacturing anyway. Kendall County recommended for the District to go back and Petition to rezone the entire property M-1. In order to accomplish this the District has to go through a rezoning process that includes a Public Meeting process that will take approximately two to four months.

Manager Muth said another issue with the construction of the Operations and Maintenance Building is that the Illinois Historic Preservation Agency needs to sign off for building demolition per the IEPA permit requirement. Also, Kendall County states that any building that is over 50 years old needs to be addressed and signed off.

The District received a letter from the Illinois Historic Preservation Agency and it said the O&M Building is eligible for National Historic Register. Staff has done research and has discovered that some other buildings such as schools have been able to proceed with demolition and it the requirements are; to complete more historical documentation, demonstrate the need for demolition and prepare and Memorandum of Agreement. Demolition of the O&M Building is on hold until this is resolved.

10267

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

The Regular Board Meeting reconvened at 10:38 A.M.

10268

Attorney Ingemunson addressed the Board with the Attorney's Report. Attorney Ingemunson presented Resolution No. 961, Annexation Chelsea Senior Commons, to the Board for their approval. It was moved by Trustee Funkey, seconded by Trustee Heriaud, put to vote and unanimously carried that Resolution No. 961, adopting Ordinance No. 875, Annexation of Chelsea Senior Commons, be approved as written.

PASSED by the Board of Trustees of Fox Metro Water Reclamation District this 23rd Day of May 2018 by a roll call vote of 5 to 0.

Attorney Ingemunson advised the Board that he had a meeting with the Village of Montgomery regarding Paschen's lease and land use. Manager Muth said



Attorney Gregg Ingemunson did a great job presenting the Village some of the problems and issues the District has inherited with the acquisition of the former Avalon property. The Village will contact Paschen directly regarding the problems and issues they are having with the violations and complying with their Ordinances. Discussion ensued regarding the lease violations the next steps that the District needs to take.

10269

Mr. John Frerich addressed the Board with the Engineer's Report and updates on Construction projects. Mr. Frerich requested approval of Partial Payment No. 29 to River City Construction, Inc., in the amount of \$6,283,133.04 for South Waste Water Treatment Facility Project. It was moved by Trustee Funkey seconded by Trustee Childress, put to vote and unanimously carried that payment be made in the amount of \$6,283,133.04 to River City Construction, Inc., for work completed on South Waste Water Treatment Facility Project.

10270

Mr. Frerich requested approval of Partial Payment No. 16 to Whittaker Construction, Inc., in the amount of \$444,878.07 for Building G Improvements Project. It was moved by Trustee Funkey seconded by Trustee Childress, put to vote and unanimously carried that payment be made in the amount of \$444,878.07 to Whittaker Construction, Inc., for work completed on Building G Improvements Project.

10271

Mr. Frerich requested approval of Partial Payment No. 13 to R.C. Wegman Construction, in the amount of \$100,667.00 for Building W Water System Improvements Project. It was moved by Trustee Funkey seconded by Trustee Childress put to vote and unanimously carried that payment be made in the amount of \$100,667.00 to R.C. Wegman Construction, for work completed on Building W Water System Improvements Project.

10272

Mr. Frerich requested approval of Final Payment No. 10 to R.J. O'Neil, in the amount of \$23,861.08 for Building K Odor Control Project. It was moved by Trustee Funkey seconded by Trustee Childress put to vote and unanimously carried that payment be made in the amount of \$23,861.08 to R. J. O'Neil for work completed on Building K. Odor Control Improvements Project.

10273

Mr. Frerich requested approval of Final Payment No. 3 to LAI Limited, in the amount of \$6,619.00 for Building J Plant Water Pump Procurement Project. It was moved by Trustee Funkey seconded by Trustee Childress, put to vote and unanimously carried that payment be made in the amount of \$6,619.00 to LAI Limited, for work completed on Building J Plant Water Procurement Project.

10274

Mr. Frerich requested approval of Partial Payment No. 4 to Performance Construction, in the amount of \$42,279.95 for Moecherville Sanitary Sewer Repairs Project. It was moved by Trustee Funkey seconded by Trustee Childress put to vote and unanimously carried that payment be made in the amount of

\$42,279.95 Performance Construction, for work completed on Moecherville Sanitary Sewer Repair Project

10275

Mr. Frerich requested approval of Partial Payments No. 6 to Whittaker Construction, Inc., in the amount of \$229,800.60 for North Plant Improvement Project. It was moved by Trustee Funkey seconded by Trustee Childress, put to vote and unanimously carried that payment be made in the amount of \$229,800.60 to Whittaker Construction, Inc., for work completed on North Plant Improvement Project.

10276

Mr. Frerich requested approval of Partial Payments No. 5 to Dhame Mechanical, in the amount of \$56,684.50 for Chlorination Improvements – Contract 3 Project. It was moved by Trustee Funkey seconded by Trustee Childress, put to vote and unanimously carried that payment be made in the amount of \$56,684.50 to Dahme Mechanical, for work completed on Chlorination Improvements – Contract 3 Project.

10277

Mr. Frerich requested approval of Partial Payments No. 5 to Lite Construction, Inc., in the amount of \$26,767.80 for Building K RAS Wet Well Improvements Project. It was moved by Trustee Funkey seconded by Trustee Childress, put to vote and unanimously carried that payment be made in the amount of \$26,767.80 to Lite Construction, Inc., for work completed Building K RAS Wet Well Improvements Project.

In the Manager's Report Trustee Childress addressed the Board regarding the Solar Project. He said that he notified Shine and advised them that the District will not contract them for the construction of the solar field.

He has received a contract from GRNE and would like to meet with the committee to review it and get comments. In discussion with GRNE they said due to timing they recommend to build a 2 MW field and then file secondarily for the other field in a separate filing. They will be finalizing the price on the REC rates on June 4, 2018 and they anticipate taking applications in July. The goal is to have a signed Agreement by the next Board Meeting. Need to refile with ComEd to advise them the District is building a 2MW field and not a 4 MW field. Deuchler's will meet with GRNE in the next week to review details. The District will be clearing the property and GRNE is going to be responsible for the grading and will need to meet to discuss what specifically is needed.

Trustee Funkey said this would be a good time to have a good presentation ready regarding the solar field and present it to Linda Chapa Lavia because she is the Chairman of the Energy Commission and to try to develop support in Springfield. Trustee Funkey has scheduled a meeting with Linda Chapa Lavia, Stephanie Kifowit and Linda Holmes, but she has not confirmed her attendance yet.



Trustee Childress advised the Trustees that a Bill has been passed by the Senate and is now in the House that the Board of Trustees for Fox Metro Water Reclamation District will become an elected Board and will take effect in 2019. Two Board member will be elected in 2019 and three in the following general election. Discussion ensued regarding the Bill and how it will be implemented

10278

Continuing with the Manager's Report, Manager Muth requested authorization to seek bids for Primary Sludge Vault Piping and Electrical Replacement. Bids to be opened at 10:00 A.M. at the June 20, 2018 Board of Trustees Meeting. It was moved by Trustee Funkey seconded by Trustee Childress, put to vote and unanimously carried authorizing to seek bids for Primary Sludge Vault Piping and Electrical Replacement. Bids to be opened at 10:00 A.M. at the June 20, 2018 Board of Trustees Meeting.

10279

Manager Muth requested authorization to rebid for a 2018 Compact Utility Tractor with Loader. Bids to be opened at 10:00 A.M. at the June 20, 2018 Board of Trustees Meeting. It was moved by Trustee Funkey seconded by Trustee Childress, put to vote and unanimously carried authorizing to rebid for a 2018 Compact Utility Tractor with Loader. Bids to be opened at 10:00 A.M. at the June 20, 2018 Board of Trustees Meeting.

Manager Muth said with the automation, probes, telemetry and SCADA devices, a new Technician is needed and the position of a Technician II should be filled. While interviewing potential candidates for an electrical position a person came across that seems to be very qualified for the Technician II position. He currently works for another nearby Wastewater District and performs the duties that the District is seeking. Manager Muth would like to bring this individual back for a second interview and would like to hire him if Human Resources and Department Supervisor make the recommendation. This would help the District with the South Plant because it will be the area of need. The Board agreed and authorized Manager Muth to use his discretion to hire the most qualified candidate.

At this time Manager Muth requested an Executive Session to discuss personnel, negotiations and other related matters.

Mr. Jimmie Delgado addressed the Board and distributed the GASB 67-68 Statement which is an outside audit he received of both the IMRF and the individual employee accounts. He reported that the District had a great year last year and its rate is down three percentage points which represents gains. There were some natural gains in the market which improved the position of the IMRF account.

Mr. Delgado reported that the District has 90 retirees and beneficiaries who are using the account, there are 19 inactive and non-retired members and 84 active members, that brings the total to 193 members. The annual payroll is \$6,427,285.00. The key is the total pension liability is \$43.55M and this needs to



be completely funded, that amount needs to be in the District's account. Currently the District has \$42.9M in the account and Mr. Delgado proposed transferring the difference of \$611,000.00 to IMRF to bring the account to 100% and be fully funded. The District will be charged 7.5% for the \$611,000.00 but would receive 7.5% on any amount the District overfunds. After lengthy discussion, the Board unanimously decided and authorized Mr. Delgado to transfer \$1M to the IMRF fund and investigate the advantages of an overpayment.

10280

With no New Business to come before the Board, it was moved by Trustee Funkey, seconded by Trustee Childress put to vote and unanimously carried that this meeting be adjourned for Executive Session.

Meeting temporarily adjourned at 11:45 A.M

The Regular Board Meeting Reconvened at 12:50 P.M

There were no decisions made in Executive Session.

10281

With no other business to come before the Board, it was moved by Trustee Funkey seconded by Trustee Childress put to vote and unanimously carried that this meeting be adjourned.

Meeting adjourned at 12:51 P.M.