

**MINUTES OF THE REGULAR MEETING
OF THE BOARD OF TRUSTEES
OF FOX METRO WATER RECLAMATION DISTRICT
HELD WEDNESDAY APRIL 15, 2020**

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, April 15, 2020. Present were, Trustee Judith S. Sotir, Trustee Michael Funkey (via phone), Trustee Christopher F. Childress (via phone), and Trustee David Krahn (via phone). Also present were Attorney Gregg Ingemunson (via phone), Manager Thomas F. Muth, District Engineer, John Frerich from Deuchler Engineering (via phone), Business Services Manager, Jimmie Delgado, Interim Regulatory/P.R. Manager Karen Clementi and Norma Rodriguez.

10650

The bills were presented and read. It was moved by Trustee Childress that the bills be allowed as read, ratify and approve the checks drawn during the month of March, 2020 in the amount of \$2,250,953.50, Motion was seconded by Trustee Krahn, put to vote and unanimously carried that the bills be paid as presented.

10651

It was moved by Trustee Childress seconded by Trustee Krahn, put to vote and unanimously carried that the Treasurer's Report for March, 2020 be approved as submitted.

10652

It was moved by Trustee Childress, seconded by Trustee Krahn, put to vote, and the Motion was unanimously carried that the minutes of the March 18, 2020 Regular Board Meeting be approved as written. Each of the Trustees having received and read copies of said minutes before the meeting.

Trustee Sotir congratulated all of the Fox Metro Employees that celebrate Birthdays in the month of April.

10653

With no Public Comments, it was moved by Trustee Childress, seconded by Trustee Krahn, put to vote and unanimously carried that the Regular Board Meeting be temporarily adjourned for the Committee of Local Improvements.

The Regular Board Meeting temporarily adjourned at 9:40 A.M.

In the Committee of Local Improvements Karen Clementi addressed the Board with an overview of Fox Metro's COVID-19 Response. She reported



that the District has split all departments into two teams to prevent any cross contamination in case anyone becomes ill. To date there are no employees that are ill so this system is working. Because the District is working with half of its workforce, staff has had to prioritize job duties into essential vs. non-essential tasks. All in-person and team meetings have been suspended as much as possible moving them to on line and phone conference meetings. Staff has also implemented more rigorous and frequent cleaning procedures especially in all common areas.

Fox Metro has issued new ID cards to all employees in case a quarantine order is placed. Some Billing and Administrative staff are working from home as much as possible. Any employee who is ill has to stay home, whether it is a common cold or something more serious, no exceptions.

There are District-wide emails that are distributed composed by Interim Public Relations Manager Karen Clementi, Business Services Manager, Jimmie Delgado and Safety Coordinator Dan Rivera updating employees on a daily basis. Senior Management have a 15-minute status update phone call daily.

Karen stated that staff is trying to keep up with morale by staying positive and collaborative. All employees have been great and are all working together to make this work.

Karen explained that there are also some internal implications that include less tasks being completed due to working understaffed. Some construction and budgeted items have had to be postponed. Also, most preventative items have been put on hold, there are over 200 open work orders at this time. There is a priority list of work orders that are completed. Many upgrade and troubleshooting projects are also on hold.

Karen said the Spring biosolids application to farms have been cancelled and this will cause the sludge storage area to be full. The physical appearance of the main campus and lift stations properties is not at its best but this is something that can be easily remedied at a later time.

Another implication is potential staff stress. Karen said with this crisis, employees are worried about their home and families and they also have the added stress of being at work fifty percent of the time because they know they have work that needs to get completed. Management is keeping an eye on that and the District has resources the employees can resort to if they need them through Human Resources.



Trustee Childress inquired if the District had any employees that had COVID-19 at this time. Pat Divine said he was happy to report that to date the District has no infected employees.

Karen said as a way to give some relief to customers that are affected by unemployment spiking and people being out of work, the District has suspended water shut offs, extended statement due dates. She said this is a loss of \$68,000.00 in revenue each month, based on 2019 figures. Staff is aware that due to the circumstances it is expected to have more customers pay their statements late. One statistic is that 25% of Fox Metro's customers pay their bills late in normal circumstances. Another implication is that by suspending the June 1, 2020 rate increase, it will result in a revenue loss of \$174,000.00 each month.

Billing has reported that they are seeing a large increase of calls from customers stating that they are not able to pay their bills.

Trustee Childress said that with the loss of revenue, he suggested that the District should see how the City of Aurora's usage has been affected and then create a model of how the District's revenue might be affected long term. Fox Metro's Business Manager, Jimmie Delgado will be researching that and give the Board a report on the financial impact.

Manager Muth thanked Trustee Sotir for the letter she sent all of the District employees. He has received a number of positive comments with regard to that and everyone appreciates the time and effort she put forth to do it. He added that he is very proud of the support and the passion of all of the District employees at this this time and for them staying and working through this pandemic. He stated that the employee morale has been outstanding and it is a pleasure to report this to the Board.

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

The regular meeting reconvened at 10:00 a.m.

At 10:00 A.M. Attorney Ingemunson called for the Public Hearing regarding the Discussion of the appointment of a new Board Member. Notice of said Public Hearing was duly published in the Beacon News, Fox Metro Website and via e-mails to the Senators and Representatives. Present at the Board Meeting via phone were Senator Linda Holmes,



Representative Stephanie Kifowit and Representative Keith Wheeler. The meeting was called to order and Trustee Sotir stated that the District has a Fox Metro Board of Trustees vacancy that occurred as of February 5, 2020. Notification were made on February 11, 2020 via e-mail and on line to all of the State Legislators. The Public Notification of Vacancy is on the District's website, local newspapers, radio stations with instructions on how to apply. There was an open application period for 30 days, from February 5, 2020 through March 12, 2020. The District received only one application and that application was received from Mr. Randall Brown who is from the same District that the vacancy occurred. Notice was given to State Legislators of the Public Meeting to review this application and the Board is recommending appointing Mr. Randall Brown at the next Fox Metro Reorganization Board Meeting, May 6, 2020 at 9:30 A.M.

At this time Trustee Sotir asked for any questions or comments from the Legislators that were present. Representative Kifowit inquired if the District acquired unanimous consent from the rest of the Legislators in the District because they are not present at this meeting. Trustee Sotir responded that there is no unanimous consent because the rest of the Legislators are not present at this meeting and inquired what the District should do at this point. Senator Holmes inquired if the District reached out to any other Legislators. Trustee Sotir said notice of this meeting was sent out to all the Legislators and Representatives several times. Representative Kifowit stated she just received an email but not a phone call. Trustee Sotir stated there were three emails sent out to all at different times. Representative Kifowit reiterated that there were no phone calls and added that all Representatives are receiving a large amount of emails and if only emails were sent out by the District, there is a chance that they were lost in the shuffle. Senator Holmes concurred that all Legislators are receiving large amount of emails with much bigger problems. She added that they are also doing at least half dozen phone conferences daily with different State Departments and Governor's office. She said without a follow up call to a Legislator regarding this meeting she is not sure how everybody's offices are doing on getting all of the information. Trustee Sotir asked for guidance at this point. Senator Holmes inquired when the new Trustee's position needed to be filled. Trustee Childress said the key here is since Senator Holmes and Representative Kifowit wrote this Bill, what do they think the process is and how does the Board obtain unanimous consent. The Board wants to follow their process and the Trustee's position needs to be filled. The Board has been working with only four Board Members since Trustee Heriaud resigned in January. Everyone agrees that the COVID-19 pandemic has caused issues everywhere but it would be helpful to know

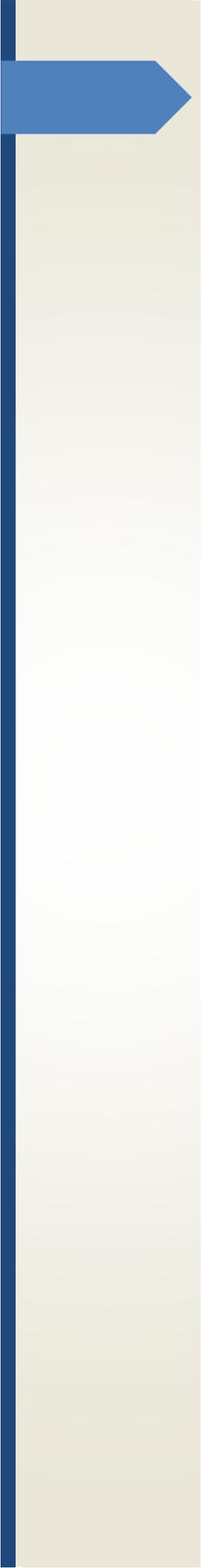


what the Legislator's desire is for the Board to do to operate properly and fill the Trustee's position.

Senator Holmes said the whole purpose of this Bill was to have an elected Board. Trustee Sotir wanted to confirm that the Board needed to obtain unanimous consent of the 11 Legislators. Senator Holmes said she would have to pull the Bill because she was not sure how the Bill reads because it has been a while since it was passed. Trustee Funkey stated that since everyone is meeting remotely, he suggested if it was possible for this discussion to be continued and at the end of the meeting this can be adjourned to next Wednesday morning. This would give everyone enough time to reach out to the rest of the Legislators that are needed to achieve a consent if the three Legislators that are present today consent to the appointment. He also suggested that perhaps the notice should come from Senator Holmes and Representative Kifowit. Senator Holmes stated that she can send an email but she cannot take the time to call every single Legislator nor does she have every single number. She said the District is better off having someone from their staff calling each one of the Legislators. Trustee Sotir said that the District can do that. Representative Kifowit concurred with Senator Holmes and stated that if the District has all the numbers they should call all the Legislators because she does not have all the numbers either. She also agreed that a phone call would be better because emails are overwhelming at this time. Trustee Funkey stated that in addition to having all of the Legislators phone numbers, the District should know the name and number of each particular aid of each Legislator and also should direct the phone call to them in order to get the attention of the Legislator for this decision. Trustee Sotir said the District does not have all of the Legislator assistant's number and it will be very difficult to obtain them.

Trustee Childress said that everyone is in very unique times and right now the Legislators are very busy trying to keep the State up and running. He said that the current applicant is just filling the vacancy until the end of the term and as the Bill reads, the applicant will be running for election in 2021. He asked if it would be beneficial to forward the application along with a Consent Form to each Legislators to obtain the consent on the applicant. He said the idea of getting all 11 Legislators together on one phone call at the same time is going to be impossible. The intent of this is to obtain the consent or rejection of the candidate.

Representative Kifowit stated when the Legislators have open roll in their meetings, they recess to reconvene at a later date. She stated that she and Senator Holmes can be stated on record on approval of the candidate and if



another email and phone call can go out asking for the Legislators to log on or call in next week because this meeting has been continued. She said another option is that official correspondence can be sent to the Legislators to be read into the official meeting minutes of that meeting in affirmation for this appointment and that would cover the bases.

Senator Holmes stated that due to these unusual times, City Council and other government entities are doing virtual meetings. She believes if the District receives the Consent Form all of the Legislators even if it is not in one meeting or one phone call, that would fulfill the requirements. Trustee Funkey stated that the Bill requires unanimous consent but it does not specify whether that consent has to be orally in a meeting or in written form and he believes Trustee Childress' suggestion is good and should send a Consent Form to all Legislators and if Senator Holmes and Representative Kifowit approve, the Board can accept their oral decision at this meeting and forward the written consent of the rest of the Legislators. Trustee Sotir concurred with Trustee Funkey and stated staff will send out the Consent Forms to the rest of the Legislators for their approval or rejection. Trustee Funkey stated that the minutes of this Board Meeting should reflect which Legislators at this meeting gave their consent and what they consent to and Senator Holmes concurred. Trustee Sotir asked Senator Holmes, Representative Kifowit and Representative Wheeler if they would give their consent or reject the appointment of Mr. Randall Brown to the Fox Metro Board of Trustees. At this time Senator Holmes gave her oral consent for the appointment of Mr. Randall Brown to the Fox Metro Board of Trustees. State Representative Stephanie Kifowit gave her oral consent for the appointment of Mr. Randall Brown to the Fox Metro Board of Trustees. State Representative Keith Wheeler gave his oral consent for the appointment of Mr. Randall Brown to the Fox Metro Board of Trustees. Trustee Sotir said the Board will get the Consent Form to the rest of the Legislators and report back to Senator Holmes, Representative Kifowit and Representative Wheeler on the results. Senator Holmes thanked the Board for doing the process this way. The Board thanked the Legislators for taking the time to attend the Public Hearing and assisting in the process in this challenging time.

Senator Holmes noted that there was an article she shared on her Facebook page regarding not flushing wipes down the toilet and helping to keep the sewer pipes clean. She stated that article was shared over 1,000 times. Trustee Sotir said she appreciates the assistance in getting the word out.

At this time the Public Hearing adjourned and the regular Board Meeting reconvened.



Trustee Funkey stated that a copy of the Bill should be sent to the Legislators along with the Consent Form. He said in the letter that will be attached with those documents should include information regarding the process that transpired in the Public Hearing along with the date. The Legislators should also be advised that their unanimous consent is required to appoint the present candidate and that three Legislators have approved this candidate and it is very necessary for the Board to fill the vacancy. The Legislators should also be given two weeks to submit their response. Trustee Childress said that the letter should also state that this is a temporary vacancy until the 2021 election. The rest of the Board concurred. Trustee Sotir said she will contact Mr. Randall Brown and communicate the events of today's meeting.

Trustee Childress asked Attorney Ingemunson if he could compose a Consent Form for the Legislators to sign. Attorney Ingemunson said that he would compose a form that can be emailed to them and they can be emailed back. Trustee Krahn asked to be advised when that form goes out and he can make some phone calls to the House Members so they can look for it and send it back in a timely manner.

Attorney Ingemunson addressed the Board with the Attorney's Report and presented an Intergovernmental Agreement between City of Aurora and the Fox Metro Water Reclamation District for the performance of Water Connection Inspections for their approval. Attorney Ingemunson advised the Board that this is an extension of what has already been in place for many years. Based on the recommendation from the Attorney Ingemunson, it was moved by Trustee Funkey, seconded by Trustee Childress, put to vote and unanimously carried that the Intergovernmental Agreement between City of Aurora and the Fox Metro Water Reclamation District for the performance of Water Connection Inspections be approved as written.

Mr. John Frerich addressed the Board with the Engineer's Report and updates on Construction projects. Mr. Frerich advised the Board that all construction within the Wastewater Treatment Plant and any of their facilities such as pumping stations where staff would be exposed are at a temporary cease. The halt of construction and activities at the District ceased on March 24, 2020 until April 22, 2020. Staff will meet at the end of this week to see if an extension will be necessary and will keep everyone updated as they move forward.



Manager Muth stated there is one project staff feels is essential and it is the Secondary Clarifier H5 project. Since the time of the stop work order, the equipment needed for this project has been built and can be delivered. Staff would like to have that project begin on April 20, 2020 because it is an essential project in order to be able to treat all the flows. Manager Muth asked for the Board's approval to move forward on this project.

Manager Muth said with regard to all the other projects at the District, he is beginning to receive pressure to begin those as well. There are claims by the contractors that there will be extra charges especially for the O&M building project based on holding back orders in the yard and also because the orders are not able to be delivered on site.

Manager Muth said there has to be further discussion and if there was approval from the Board, staff and Engineer will collaborate when future projects can safely begin. Discussion ensued regarding how much contact the contractors would have with District staff and the health risk factor. Manager Muth said staff will take the best safety procedures to protect the employees. He said there are other wastewater treatment facilities in the area that have not stopped their projects and are being safe with their contractors. He said the District has taken a very conservative approach and he believes if the projects are brought back slowly everything will be fine. Trustee Funkey inquired if in order to begin the construction projects, it has to be determined if those projects are essential. Manager Muth said that some other facilities have not, they just continue with their projects. Trustee Sotir said it has to be required that those projects are essential to the organization in order to have other people come into the Plant in case there is an inquiry, the District has the validation why they are working on that particular project. Discussion ensued regarding the safety of District employees.

Trustee Sotir said going forward Manager Muth, Karen Clementi, Jimmie Delgado and Pat Divine will make the determination and all the decisions as to which projects will be a priority. Manager Muth said they will do their best to keep all of the employees safe like they have been doing the last month. Discussion ensued regarding the solar project and if there were any issues with GRNE doing work on their leased property. Manager Muth said there was no issues because it does not involve any of Fox Metro's employees.

Trustee Funkey stated the District should notify the contractors that are pressuring staff to begin certain projects or face price increases, and advise them that the Board is not going to approve any price increases and are



going to rely on the protection that has been put into place by the Governor and the State of Illinois to hold the price. Trustee Krahn stated he concurred with Trustee Funkey on this point.

John Frerich advised the Board his staff began receiving e-mails the contractors were being advised by their attorneys and insurance companies regarding the contract language. He said there are two kinds of contracts with the District right now and read a paragraph of the contract that addresses delays in contract. That paragraph includes language regarding multiple reasons for delay and it includes epidemics as one of the reasons for delay and delay damages. Mr. Frerich stated that neither one of the contract states that the contract is allowed for rate increases. He will forward the memo to Attorney Ingemunson for his review. Discussion ensued regarding the contracts.

Mr. John Frerich advised the Board that the District received the National American Public Works Association Project of the Year 2020 award for the CSO Long Term Control Plan Phase 2 project. This includes the South Waste Water Treatment Plant Improvements and North Wastewater Treatment Plant Improvements and the Waubensee River Crossing project. The award dinner will be held at the end of August in New Orleans. Trustee Sotir said that is truly impressive and a National Award like this certainly speaks well for the District and Deuchler. She congratulated Mr. Frerich and he said it is an award both his firm and Fox Metro worked very hard for and is very proud of those projects and how they are working right now.

Mr. John Frerich requested approval of Partial Payment No. 9 to Whittaker Construction, in the amount of \$341,360.39 for O&M Building Phase II Improvement Project.

Mr. Frerich requested approval of Partial Payment No. 7 to Whittaker Construction, in the amount of \$50,979.86 for F Aeration Tanks Walkway Repairs – Phase 1 Project.

Mr. Frerich requested approval of Partial Payment No. 6 to Whittaker Construction in the amount of \$81,032.40 for H5 Clarifier and H3, H4 and V5 Vault Improvements Project.

Mr. Frerich requested approval of Partial Payment No. 6 to Lite Construction, in the amount of \$25,574.95 for Field Operations Office Addition Phase 2 Project.



Mr. Frerich requested approval of Partial Payment No. 4 to Frank Marshall Electric in the amount of \$36,983.70 for Sugar Grove P.S. MCC Replacement Project.

Mr. Frerich requested approval of Partial Payment No. 5 to Whittaker Construction in the amount of \$80,042.90 for building I Tertiary Filter #3 Replacement Project.

Mr. Frerich requested approval of Partial Payment No. 2 to Dahme Mechanical Industries in the amount of \$58,050.00 for Building N Centrifuge Hopper & Support Steel Repairs Project.

Mr. Frerich requested approval of Partial Payment No. 1 to Utility Dynamics in the amount of \$59,253.30 for Building P1, P2, & P3 Parking Lot Lighting Upgrades Project.

Mr. Frerich requested approval of Partial Payment No. 1 to Archon Construction in the amount of \$30,058.87 for Fiber Optic Duct Bank Improvements Project.

It was moved by Trustee Funkey seconded by Trustee Childress, put to vote and unanimously carried that the Engineer's Report be approved as published and payments be made as requested.

10656

Business Services Manager Jimmie Delgado addressed the Board regarding tentative approval of the Fiscal Year 2020/2021 Budget. He reviewed with the Board the Memo he previously emailed them outlining all the key points. He said essentially the revenues are expected to be flat due to COVID-19. Operating expenses are expected to be \$5M lower largely due to projects. The District budgets 3% increase annually for personnel. In Operations and Plant Maintenance is where most of the projects occur and is expected to have \$1M less than last year. Some equipment needs to be replaced that has reached the end of its useful life. The District is holding on to vehicles longer than in the past. There are less projects in electrical and automation. Expect to begin North Aurora Pumping Station project this next fiscal year and staff is still working though final price. The Engineering expenses are expected to be slightly lower. There is still approximately \$800,000.00 in retainage in the South Plant. Administration costs are expected to be down by 12% and that is mainly due to the new health insurance program that has saved the District more money than anticipated.



Trustee Childress said it would be nice to see a trend line and he is not sure if there is enough information to know. He said he would reach out to the City of Aurora to see what their expected throughput is, if they expect their water supply to go down or if it is just shifting from businesses to homes. He also said it is worth inquiring if the IEPA is going to suspend or waive short term interest or payments due to events that are occurring due to COVID-19. Mr. Delgado said this is a bonded debt out in the market is not sure if the market is going to be as forgiving as the Federal Government. Mr. Delgado also stated that by waiving late fees, the District is losing approximately \$15,000.00 per week. Discussion ensued.

10657

At this time Trustee Sotir requested tentative approval of the Fiscal Year 2020/2021 Budget. It was moved by Trustee Funkey, seconded by Trustee Childress, put to vote and unanimously carried to tentative approve the Fiscal Year 2020/2021 Budget as presented and refer the matter to May 20, 2020 for Public Hearing Final approval.

10658

At this time Manager Muth requested authorization to hold a Public Hearing on May 20, 2020 at 10:00 A.M. to approve the Budget and Appropriation Ordinance. It was moved by Trustee Funkey, seconded by Trustee Childress, put to vote and unanimously carried to authorize to hold a Public Hearing on May 20, 2020 to approve the Budget and Appropriation Ordinance.

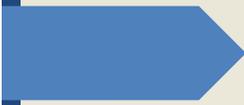
10659

Manager Muth requested authorization to seek bids for the F Aeration Tanks Walkway Repairs Phase 2 to be opened at 10:00 A.M., May 20, 2020 at the Board of Trustees Meeting. It was moved by Trustee Funkey, seconded by Trustee Childress, put to vote and unanimously carried to authorize to seek bids for the F Aeration Tanks Walkway Repairs Phase 2 to be opened at 10:00 A.M., May 20, 2020.

10660

Manager Muth requested authorization to seek bids for Building B-3 Odor Control to be opened at 10:00 A.M., May 20, 2020 at the Board of Trustees Meeting. It was moved by Trustee Funkey, seconded by Trustee Childress, put to vote and unanimously carried to authorize to seek bids for Building B-3 Odor Control to be opened at 10:00 A.M., May 20, 2020.

Manager Muth discussed with the Board the Building K Check Valve Replacement Project. The Board approved the Construction Management approach on this project in January. Since that time, Management has evaluated two construction management proposals and has selected Dahme Mechanical. Management has prepared a Maximum Price Contract and it will be forwarded to Attorney Ingemunson for his review. The same



wording was utilized that was approved in the O&M Building Contract. As it was discussed before, this is a very difficult and precision oriented project and the work will be performed in the basement of the main pumping station which is 35 feet below grade. This will require unique equipment and specific skills to complete the job. The shut-down of equipment will have to be performed in conjunction with good weather.

10661

At this time Manager Muth requested approval of the Building K Check Valve Replacement Project with Dahme Mechanical with a Construction Management Agreement with a guaranteed maximum price of \$1,231,377.82. Fox Metro staff has reviewed the pricing and concur with the amount and they feel is the best price that can be obtained for this difficult job. It was moved by Trustee Funkey, seconded by Trustee Childress, put to vote and unanimously carried that based on the recommendation of staff to authorize the Building K Check Valve Replacement Project with Dahme Mechanical as the Construction Manager subject to review and approval of the contract by Attorney Ingemunson.

At this time Manager Muth requested Executive Session to discuss Personnel, and related matters.

In New Business Manager Muth thanked the Board for their support in this trying time and stated that he is very pleased and proud of the Fox Metro staff that are able to keep the District running with half of the staff. Trustee Sotir stated that she is very impressed with all the work that Manager Muth, Jimmie Delgado, Karen Clementi and other members of staff have done and gives a special recognition to Manager Muth for the outstanding job he is doing and the entire Board concurred.

10662

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 temporarily adjourned for Executive Session.

At this time the Board Meeting temporarily adjourned at 11:10 A.M

10663

It was moved by Trustee Funkey, seconded by Trustee Childress, put to vote and unanimously carried that the Executive Session be adjourned and the Regular Meeting reconvene.

Regular Board Meeting reconvened at 1:47 P.M.

There were no decisions made in Executive Session.



10664

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 1:48 P.M.

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