

**MINUTES OF THE REGULAR MEETING
OF THE BOARD OF TRUSTEES
OF FOX METRO WATER RECLAMATION DISTRICT
HELD WEDNESDAY OCTOBER 20, 2021**

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, October 20, 2021. Present were, Trustee Judith S. Sotir, Trustee Michael Funkey, Trustee Dave Krahn, Trustee Randall H. Brown and Trustee Christopher F. Childress (via phone). Also present were Attorney Gregg Ingemunson (via phone), District Manager Thomas F. Muth, District Engineer, John Frerich from Deuchler Engineering, Assistant District Manager Karen Clementi, Human Resources Coordinator, Patrick Divine, IT Supervisor, Dan Vargas, Controller, Linnea Scherer and Norma Rodriguez.

10890

The bills were presented and read. It was moved by Trustee Funkey that the bills that have been presented and paid during the month of September, 2021 be approved in the amount of \$1,398,876.43. Motion was seconded by Trustee Krahn, put to vote and unanimously carried that the bills be paid as presented.

10891

It was moved by Trustee Funkey seconded by Trustee Krahn, put to vote and unanimously carried that the Treasurer's Report for September, 2021 be approved as submitted.

10892

It was moved by Trustee Funkey, seconded by Trustee Krahn, put to vote, and the Motion was unanimously carried that the minutes of the September 22, 2021 Board meeting be approved as written. Each of the Trustees having received and read copies of said minutes before the meeting.

In Public Comments, Trustee Sotir on behalf of the Board congratulated all of the employees who celebrated birthdays in the month of October.

Trustee Sotir advised the Board that the PR Committee met on October 13, 2021. One of the things discussed at the meeting was that the District is once again conducting Plant tours. The Aurora Region Chamber of Commerce visited the District and had a plant tour. Manager Muth and Karen Clementi did a great job explaining to this group Fox Metro's history and its function. Oswego will be having their Christmas Walk on December 3, 2021 from 4:00 to 7:00 P.M. Fox Metro will be there and is looking for more volunteers from the District. The Pretreatment Department will be performing a



Medication Take Back event. They will be collecting unwanted medication from several nursing homes that have signed up to participate in this event. The PR Committee is also working on a new coloring book for kids. The Committee also discussed and will be working on the Innovation Award that was suggested at the last Board Meeting by the Trustees. Sonia O'Dell from the PR Committee has created a video explaining who Fox Metro is, its function and purpose.

Trustee Funkey inquired regarding the Solar Field #2 that was discussed at last month's Board Meeting. He asked if Fox Metro will be going through the same bidding process as Plant #1? Manager Muth confirmed that it was the same process as before. Karen stated that staff is currently finalizing documentation. She added that all the available spots for grants have already been filled and they included the organizations that did not receive a grant the last time they were available and they may be moved to the front of the line to receive these grants this time. Karen said that there are new grants every year so if Fox Metro does not get the grant this year, it can be first in line next year.

Trustee Childress stated that the people that are in line for this grant now are primarily for Community Solar Fields. Fox Metro's will be a Behind the Meter Solar Field and most of the organizations that applied for this grant did receive it. The portal has been closed, new solar fields cannot be submitted until December. The District needs to be ready at that time so it can be first in line. The reason this is important is because although there is funding, the Federal Tax Credit has decreased.

With no other Public Comments, it was moved by Trustee Funkey, 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, Manager Muth gave a presentation regarding the 2021 Annexation & Infrastructure Participation Fees Study. He introduced the members of the Committee that were involved in this study. This study took approximately one year and the committee met on a monthly basis. The members of the committee are: Karen Clementi, Keith Zollers, Mike Frankino, Gregg Weber, Drew Zeipen, John Frerich and Manager Muth.

10893



Manager Muth began the discussion explaining that Annexation Fees are collected from the developer to pay for proportionate share of treatment plant capacity being utilized. The annexation fee per acre in 2011 was \$1,650.00 and it has not changed since then. In order for the committee to bring a realistic number to the Board they used the Construction Cost Index and calculated the cost to come to the final figure of the 2021 Annexation fee per acre cost. Based on increasing cost per year and Construction Cost Index staff believes that \$2,325.00 per acre is a fair fee.

Trustee Krahn inquired why the fee was static for ten years. Manager Muth said that staff has been very busy with so many new projects that it was pushed aside. Karen stated what staff would like to do moving forward is to implement an increase each year based on the Construction Cost Index so this situation does not happen again. Another option could be when the Sewer Use Ordinance needs to be updated based on the NEPDES Permit, the Annexation Fee also be brought to the Board and approve them both at the same time.

Trustee Funkey suggested changing the Ordinance and state there will be an annual increase and it will be the same as the Construction Cost Index. Language that can be left in the Ordinance is “Or accept as modified by the Board”. If there is some reason to increase or decrease the fee or not mandate a fee for any reason, it can be addressed at that time. Manager Muth inquired if the Board were comfortable with the Annexation Fee of \$2,325.00 per acre and be in effect on January 1, 2022. All Board members agreed with the proposed Annexation Fee and the date of January 1, 2022 to be implemented. Manager Muth advised the Board that the Ordinance would be modified in November or December.

Trustee Brown asked if this fee was in line with what other Districts are charging. Karen stated that staff has done extensive research to see what other Districts are doing, especially District contiguous to Fox Metro, and the fees are in line with them.

Trustee Funkey inquired if the Construction Cost Index accurately reflect the District’s cost increase from manholes and other things. The District is going to pay more and the additional cost is going to be reflected in the Construction Cost Index so the fee is a pretty accurate number regardless of population.

Trustee Childress inquired if it was known what the economic impact is for the District in terms of how much more revenue it will generate. Manager Muth said it is based on projection because it is not known when



development is going to happen or when areas are going to be annexed. Trustee Childress inquired that based on last year's annexations, what does that translate in terms of revenue. Karen said that it is not known because it is sporadic and not a continuous flow of annexations. Manager Muth said that there is a lot more projected development coming up than it was last year. Trustee Funkey said the increase in revenue is going to be an important number because the District keeps its rates very tight.

Trustee Krahn inquired when the new fee would be implemented for example if a project is set to begin December 1, 2021. Manager Muth said that is a good question and really a Board decision. Staff is going to have to communicate with the developer and state to them what the new fees are going to be, and because they are getting final approval in January, the new fee is what they will have to pay. Trustee Funkey said the Board can make the new increase effective today and add language in the Ordinance that consideration will be granted to applications for development that are submitted now through the end of the year. This way it is in effect now and staff can always come back to the Board to approve the negotiation that has resulted in staff's agreement with a particular developer to reduce the application of the present increase based upon what the facts are.

Manager Muth continued with his presentation and said that Infrastructure Participation Fees are collected to cover costs of new sewer/manholes/pump stations that will be owned by Fox Metro in the collection system. The fees are calculated based upon estimated construction costs and these fees were last evaluated in 2011. A slide was shown that shows the actual participation fees in sub service areas of the District.

Manager Muth also showed a slide of the District's sub service areas that staff is recommending be eliminated from being charged any Infrastructure Participation Fees in the future. The reason is that these areas are fully built out for greater than 15 years and there are no additional District funds that will have to be spent for any sewer/manholes and pump stations because they are all built out. Any sewers that are going to be extended in these areas are going to be owned, operated and maintained by the individual municipality and will be paid for by the developer. This is why staff is suggesting that these areas be eliminated from Infrastructure Participation Fees in the future.

A slide was shown to the Board with areas that staff is proposing to be sub service areas in the future. Fox Metro needs to extend interceptors,



construct manholes and some pumping stations are required. Manager Muth stated that staff took the time to look at each one of the service areas shown on the slide. They broke down the service areas, identified different lines and what the future costs are going to be. John Frerich provided excellent financial information and some of the costs, boundaries and sewer sizes changed based on research.

Manager Muth displayed a slide of the proposed Randall Road Service Area. He said staff broke down a very large Sugar Grove sub service area and it already has an interceptor that runs through Waubensee College Campus and it will require less funds to build out that area than others on the map. He pointed out where two new pumping stations would be located and he explained in detail why those area's proposed IPF fees are going to be higher than the others. Manager Muth reviewed with the Board and explained in detail the existing versus proposed IPF fees per acre for the different service areas in the District that need to be extended and will also need interceptors with manholes and pumping stations. Trustee Childress inquired if the new fees shown take into consideration the payment of the Waubensee loan. Manager Muth confirmed that those fees do take into consideration the repayment. Trustee Childress said this is more of an impact fee and the rest of the Board concurred with him and agreed this the cost of doing business.

Trustee Childress inquired regarding the interest of Mooseheart wanting to close their wastewater plant and connect to the District. He asked how these fees were going to impact them and if any consideration would be given because they are a non-profit entity. Manager Muth said this is where negotiations come in and the District will have to enter into an Agreement with Mooseheart. He added that research needs to be completed to make sure the flows out of their antiquated system do not contain an excessive amount of inflow/infiltration and wet flow metering has to be completed. Manager Muth's recommendation to the Board is to remove the old system that could potentially have some contaminants going to the Fox River and have them connect to Fox Metro. Discussion ensued

Manager Muth said staff is requesting the Board adopt the Annexation/IPF fees increases.

Having discussed and reviewed the options, it was moved by Trustee Funkey, seconded by Trustee Krahn, put to vote and unanimously carried to approve the recommendation of staff and increase the Annexation and Infrastructure Participation Fee per acre effective October 20, 2021 and

that staff can negotiate with a Developer and approach the Board to seek approval of a different fee until January 1, 2022.

10895

Trustee Funkey Amended the prior Motion, seconded by Trustee Krahn, put to vote and unanimously carried to provide that the Annexation & IPF's will be adjusted based upon the Construction Cost Index as of January 1st of every year thereafter.

10896

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

The regular meeting reconvened at 10:20 A.M.

Attorney Gregg Ingemunson addressed the Board with the Attorney's Report. He presented for approval Resolution No. 990 for the Abrogation of existing Easement, Grant of Easement and Quit Claim Deed as part of Redwood of Oswego Subdivision. Attorney Ingemunson reported that he is still having difficulties obtaining documentation from Dan Kramer. He recommends holding all permits until all documentation is received and issues resolved.

Mr. John Frerich addressed the Board with the Engineer's Report and requested approval of Final Payment No. 27 to Whittaker Construction, in the amount of \$1,116,650.36 for O&M Building Phase II Improvement Project.

Mr. Frerich requested approval of Partial Payment No. 7 to Frank Marshall Electric, in the amount of \$9,913.50 for the Orchard Road Pump Station Upgrades.

Mr. Frerich requested approval of Partial Payment No. 5 to Whittaker Construction in the amount of \$58,036.32 for Building B Grit Tank Cover and Odor Control.

Trustee Funkey asked that the PR Committee consider publication of the fact that the improvements to the O&M Building came in \$450,000.00 under initial estimate price through the work of staff and various subcontractors that were involved.

Karen said that as part of the District Illinois Historic Preservation Agency (IHPA) compliance, they have asked staff to preserve the historic



infrastructure of the 90 year old O&M building. As part of that, staff has gathered many old original photographs of the building and plant and will re-frame them. Staff has a decorating plan to strategically place all those photographs in the building. Trustee Brown asked if a photograph of Felix the Fox could be incorporated in the new O&M Building as well. Karen said the PR Committee can show the Trustees what they have planned for the O&M Building and if they would like Felix the Fox incorporated into the décor, they will do their best to accommodate. Trustee Sotir said that the District has some great old photographs of the building and plant and that will give the sense of history to the District. Karen added that there are some small lights located underneath the outside original arches. Kudos to the District's electrical team because they were able to find the company that made those lights 90 years ago and had these lights rewired to current code at a very reasonable price so the District is able to not only keep the original arches but also use the original lights and this counts towards the historic compliance.

Trustee Funkey said that it is very important to emphasize the importance of the Fox River throughout history and the emphasis on purification of the water in the Fox River.

Mr. Frerich advised the Board that Deuchler was merging with Fehr-Graham Engineering and introduced Mr. Mick Gruenwald from the firm.

10897

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

Manager Muth addressed the Board with the Managers Report. He presented the Board for their approval the Farm Leases between Fox Metro Water Reclamation District and (3) Lessees, namely: David Hopkins, Jim Connell Farms, Inc., and Quintin Wissmiller for certain lands owned by the District in the County of Kendall for farming purposes for the 2022 crop year. It was moved by Trustee Funkey, seconded by Trustee Childress, put to vote and unanimously carried that the Farm leases between Fox Metro Water Reclamation District and (3) Lessees, namely: David Hopkins, Jim Connell Farms, Inc., and Quintin Wissmiller for certain lands owned by the District in the County of Kendall for farming purposes for the 2022 crop year be approved as written.

10898

It was moved by Trustee Funkey, seconded by Trustee Krahn, put to vote and unanimously carried that the Farm Leases between Fox Metro Water Reclamation District and (3) Lessees, namely: David Hopkins, Jim

Connell Farms, Inc., and Quintin Wissmiller for certain lands owned by the District in the County of Kendall for farming purposes for the 2022 crop year be approved as written.

Manager Muth requested authorization to seek bids for the H3, H4, H5 Valve Vault Improvements Project to be opened November 17, 2021 at 10:00 A.M., at the Board of Trustees Meeting. After discussion and advise from staff, it was moved by Trustee Funkey, seconded by Trustee Krahn, put to vote and unanimously carried and authorize to seek bids for the H3, H4, H5 Valve Vault Improvements Project to be opened November 17, 2021 at 10:00 A.M., at the Board of Trustees Meeting.

Manager Muth reported to the Board of an issue that occurred on October 6, 2021 in Boulder Hill. He said that Oswego Township hired a contractor to raise manholes so that Oswego Township could overly some of the streets in Boulder Hill. The contractor was not given very good direction and began saw cutting the pavement, remove the adjusting rings and manhole covers. The contractor allowed some gravel and other debris to fall into the manhole causing the Sanitary Sewer to surcharge. Fortunately, one of the District's Maintenance Mechanics from the Field Department, Matt Entile, was sent out to answer a service call when he discovered this issue and alerted his supervisors. Fox Metro staff asked the City of Aurora for immediate help and they sent two of their Jetter Vactors to the site. They came to Boulder Hill, they vactored and cleaned out the manholes. Afterwards the Fox Metro team went in to clean the sewers. Manager Muth said that if this issue was not discovered, there would have been numerous instances of backups in homes in Boulder Hill.

Trustee Krahn inquired what debris the sewer was filled with. Karen said that it was filled with gravel and concrete. When the contractor cut the road, it collapsed and filled the sewer. Manager Muth said there was an issue with an individual from Oswego who was very unprofessional over the phone but once he got to the site and saw what happened, he was very cooperative.

Manager Muth gave kudos to District's staff and the City of Aurora. He sent a letter to the City of Aurora, their staff and the Mayor, thanking them for their collaborative effort.

Manager Muth said this issue would not have been the District's fault and the construction contractor showed up at the site after the City of Aurora left. He said there is no reason why the contractor should have left all of that debris in the center of the street in Boulder Hill with all the traffic and



children getting out of school, there could have been many problems and issues. Karen added that District staff replaced the manhole covers because the contractor left dozens of manholes without lids and this could have been a very dangerous situation with kids coming home from school. The next morning, Field Supervisor Keith Zollers, met with the contractor and township at 7:00 A.M., to designate to them how this project needs to be completed. Discussion ensued regarding issues with the local jurisdiction responsible in this area.

The next item on the Manager's Report, a video created by Sonia O'Dell from the PR Committee was shown that briefly describes Fox Metro and explains the treatment plant's process. Once this video is finalized and approved, it can be uploaded to the District's website, Youtube, it can be shown at Plant tours and it can also be shared with schools in the area.

In New Business, Manager Muth thanked Karen Clementi for taking charge of the health insurance for the District and he also thanked Trustees Sotir and Brown for their assistance and participation in the Insurance Committee. With the help of Stumm Insurance, the employees will have a new insurance plan effective January 1, 2022. Trustee Sotir said one thing that really needs to be noted is that the District will be saving money by going with the new insurance plan.

Trustee Childress thanked and congratulated the entire Insurance Committee on their outstanding job of turning an insurance plan full of issues into a new successful plan and collaboratively bringing the stakeholders in and getting them all on board. Trustee Sotir mentioned that the Union employees that were involved in the Insurance Committee, were very favorable to this insurance plan. Karen thanked Stumm Insurance because they were the key to the success of this insurance plan.

Trustee Brown referred back to the H3, H4, H5 Valve Vault Improvements Project and inquired how many more buildings are in need to be updated. Manager Muth said that these projects are addressed on a priority basis. Staff is evaluating the projects that need completed next. Karen added that the Capital Improvements Committee has a spreadsheet where all of the District's projects are listed for the next 20 years and it is used as a planning tool reviewed by staff every six months. Discussion ensued regarding budget and long-term planning for District cash and investments.

Trustee Brown inquired if Fox Metro was still testing Boulder Hill's waste water for COVID. Karen said staff is still testing the waste water and the



results fluctuate. She informed that she was approached by the Illinois Department of Health and they have asked the District to be part of their pilot program. She said Fox Metro has always sent the results to them but now they want to actually involve the District in their program starting in November. Karen said that staff agreed for the District to be part of the program and will provide them with the old data and continue with the new program. The Board appreciated all of Karen's efforts in this project.

Manager Muth requested Executive Session to discuss personnel and related matter.

10900

There being no further business to come before the Board, it was moved by Trustee Funkey, seconded by Trustee Krahn, put to vote and unanimously carried that this meeting adjourn temporarily for Executive Session.

Regular Board Meeting temporarily adjourned for Executive Session at 10:54 A.M

10901

It was moved by Trustee Brown seconded by Trustee Krahn put to vote and unanimously carried that the Executive Session be adjourned and resume the Regular Board Meeting.

Regular Board Meeting reconvened at 12:13 P.M.

No decisions were made in Executive Session

10902

It was moved Trustee Funkey, seconded by Trustee Krahn, put to vote and unanimously carried to accept the recommendation of Attorney Ingemunson for the settlement of the Divorce matter in Kendall County and pay 50% of attorney's fees.

10903

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

Meeting adjourned at 12:15 P.M.

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