

**MINUTES OF THE REGULAR MEETING
OF THE BOARD OF TRUSTEES
OF FOX METRO WATER RECLAMATION DISTRICT
HELD WEDNESDAY, MAY 24, 2023**

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 25, 2023. Present were Trustee Judith S. Sotir, Trustee Michael Funkey, Trustee Dave Krahn and Trustee Randall H. Brown and Trustee Chuck Nelson. Also present were Attorney Gregg Ingemunson, District Manager Karen Clementi, Regulatory Manager Tim Rubis, IT Supervisor Dan Vargas, Controller Linnea Scherer, Human Resources Coordinator Dan Rivera, and Senior Administrative Assistant, Norma Rodriguez. Also present were Mark Penzkover, Gary Urwiler and John Lochbaum from Mooseheart.

11152 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 April 2023 be approved in the amount of \$1,817,570.02. Motion was seconded by Trustee Krahn, put to vote and unanimously carried that the bills be paid as presented.

11153 It was moved by Trustee Funkey seconded by Trustee Krahn, put to vote and unanimously carried that the Financial Report for April, 2023 be approved as submitted.

Controller Linnea Scherer addressed the Board with the Controller's Report. She reported that as of April 2023 the District's cash on hand was \$42,777,527.00. The District's Investment Portfolio was \$15,303,206.00 and that is split primarily between the US Treasury and government agencies. The weighted average remained steady at 3.62%. The total earned income fiscal year to date is \$205,164.00.

Ms. Scherer advised the Board that in April the District officially closed its Health Insurance bank account with Old Second since all outstanding issues with PBA have been resolved and that account is no longer necessary. Additionally, Ms. Scherer will be sending Old Second the

documentation that was signed by the Board to update the list of signors for the District's general account.

Ms. Scherer reported that on Tuesday, May 16th, herself and Manager Clementi had a Zoom meeting with Kellen O'Malley and Jim Savio from Sikich to discuss the upcoming audit. Preliminary fieldwork is set to begin in July with final fieldwork occurring in September. Discussion ensued regarding the amounts budgeted and the amounts spent. Manager Clementi explained that the budgets are prepared approximately fifteen months in advance of the end of the fiscal year and staff tries to predict as accurately as possible but unforeseen things happen over the course of the year.

Trustee Funkey had inquiries regarding the Financial Report, specifically balances between the budget amount and the amount spent. He asked if a representative from Sikich would be able to come to a Board Meeting and educate the Board with what they should be looking for in the Financial Report. Manager Clementi said staff will reach out to Sikich to see if they can have a representative come to the Board Meeting in the next month or two.

11154

It was moved by Trustee Funkey seconded by Trustee Krahn, put to vote, and the Motion was unanimously carried that the minutes of the April 19, 2023 Regular Board and the Minutes of May 3, 2023 Special 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 May.

Assistant Laboratory Supervisor Sue Glavan introduced Laboratory Instrumentation Specialist, Caitie Foster as the Fox Pride Award Recipient for May 2023. Ms. Glavan said in April, Caitie gave a presentation entitled "Testing ODI to estimate BOD Dilutions" at the annual Illinois Wastewater Professionals Conference in Springfield. The presentation was well received and it generated a lot of discussion. This was Caitie's first conference and she stepped up to give the presentation when another presenter cancelled. She did a great job representing the District.

Mr. Tim Rubis introduced Rick Shake, who is the Union representative at today's Board Meeting. Mr. Shake was hired as an Operations Apprentice. He worked in that position for six months and now he is currently working in the Maintenance Department.

With no other Public Comments, it was moved by Trustee Funkey, seconded by Trustee Krahn, put to vote and the Motion was 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 Clementi introduced Mark Penzkover, Gary Urwiler and John Lochbaum from Mooseheart. They gave a presentation regarding Mooseheart's system-wide sanitary sewer improvements and their proposed annexation to the District. Staff has a draft agreement in place and will be seeking tentative approval from the Board. The only item that needs input from the Trustees is Mooseheart's connection fee amount. There is a separate memo outlining the connection fees. It is recommended that the fee discussion occurs during the attorney section of the open meeting.

Mr. Urwiler, Executive Director of Mooseheart began the presentation by providing background information regarding the facility. This facility was founded in 1913 by the Moose fraternal organization. This is a 1,000-acre residential childcare facility and school. Almost 13,000 children have called Mooseheart home during its 110 years of operation. Mooseheart's student capacity is 250 but the current population is 120 children, ranging from toddlers through high school ages, plus approximately 110 residential staff and teachers.

Mr. Penscover gave an overview of Mooseheart's current sewer system. He said Mooseheart's wastewater Treatment Plant is 100 years old and was originally designed to handle 350,000 gallons/day. The system will likely reach the end of its useful life within 10 years. The facility's Gravity Sanitary Sewer System has approximately 4.8 miles of sanitary sewer pipes and over 140 manhole structures that service approximately 80 buildings on campus. Some of the sanitary



mains on campus are over 100 years old and there is a separate Stormwater Sewer System.

Mr. Penskover said some of the sanitary sewer activities include performing a sewer system assessment in 2016. Rehabilitation, repairs and replacements of high priority issues were performed in 2017, including elimination of cross-connections and abandonment of unused sewer mains and manholes. A 5-year Rehabilitation Plan and Preventative Maintenance Program was created in 2018. Additional repairs and rehabilitations were performed in 2019 through 2023. In 2020 they began a comprehensive lining programs (CIPP) through this year to eliminate as much influent infiltration as possible in order to connect to Fox Metro. A slide was presented showing the lining activities to date. They are really proud of the progress they have made so far. They have replaced a lot of manholes in this process as well. They have also completed some water repairs that were necessary when some water leaks were discovered while excavating and this has also helped eliminate influent and infiltration.

Mr. Penskover said since 2016 Mooseheart has tried to upgrade their system but they know it has approximately 10 more years of useful life. Their Board met and discussed the issue and what the next steps should be, they questioned if they should do land applications or contact the local wastewater treatment provider. In 2021 Mr. Penskover reached out to Manager Clementi and discussed exploring the opportunity to connect to the Fox Metro.

Mooseheart will be building a lift station near their football stadium by Route 31. This will be a gravity system that will come through the entrance and will cross Route 31 and then they will build a force main West through campus and connect to Fox Metro's interceptor west of Randall Road. Mr. Penskover will be receiving bids soon and he will present those to his Board and hopefully get the approval to proceed with the project. He stated Mooseheart has spent \$3,780,000.00 in sanitary sewer system improvement and investment expenditures since 2016. Mr. Penskover shared Mooseheart's aggressive construction schedule that will conclude with connection to Fox Metro interceptor in November 2023. They feel this is the best sustainable way for Mooseheart to continue on.

11156

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 the Motion was unanimously carried that the Committee of Local Improvements adjourn and the Regular Board Meeting reconvene.

The regular Board Meeting reconvened at 9:58 A.M.

11157

Attorney Ingemunson addressed the Board with the Attorney's Report and requested tentative approval of Ordinance 920 and Resolution 1007 Mooseheart Annexation Agreement and set a Public Hearing for 10:00 A.M., June 21, 2023 at the Board of Trustee's Meeting. It was moved by Trustee Funkey, seconded by Trustee Krahn, put to vote and the Motion was unanimously carried to tentatively approve Ordinance 920 and Resolution 1007 Mooseheart Annexation Agreement and set a Public Hearing for 10:00 A.M., June 21, 2023 at the Board of Trustee's Meeting.

Attorney Ingemunson called for the Public Hearing at 10:00 A.M. regarding the 2023/2024 Fiscal Year Budget. Notice of said Public Hearing was duly published in the Beacon News. The Board of Trustees approved Ordinance No. 915 in tentative form at the April 23, 2023 Meeting.

There being no further questions from the Board and no comments from the public, Attorney Ingemunson presented Ordinance No. 915 to the Board for their approval.

11158

It was moved by Trustee Funkey, seconded by Trustee Krahn, put to vote and unanimously carried that Ordinance No. 915, Appropriations Ordinance for FY 2023/2024 Budget, be approved as written.

ADOPTED by the Board of Trustees of Fox Metro Water Reclamation District this 24th, day of May, 2023 by a voice vote of 5 to 0.



Continuing with the Attorney's Report, Manager Clementi referred the Board to the Memo sent to them previously staff's recommendation to reduce Mooseheart Connection Fees. She said the District has decommissioned four plants before Mooseheart and they were; Oswego, Sugar Grove, Waubensee College and Valley Marina. In all those cases the District has given them some fee relief on their connection fees because this project is totally different than a traditional developer. This is different because Mooseheart will be decommissioning an old plant. Secondly, Mooseheart was built to take 1,400 residents at their peak and currently they only have approximately 177 residents.

Manager Clementi said that traditionally Fox Metro charges by fixture but most of the buildings at Mooseheart are out of service. Based on the usage that is currently at the campus, staff believes that there could be some waivers on the fees for this project. She said there was a detailed explanation and a recommendation from staff in the memo that was shared with the Board. Manager Clementi said the District has authority under the regulations in place to charge \$1.2M. Mooseheart will be submitting the \$1.6M next month for all of the other fees. The issue \$1.2M connection fee only.

Trustee Brown inquired if there has been any discussion regarding the future of Mooseheart itself with regard to continuing things as is with service groups around the country being reduced in numbers and their numbers in general because they have as many staff as they have children. He said he does not believe it is farfetched to believe that they may succumb in the short period of time. If that property were to be developed as residential, is the District going to be able to handle that. Manager Clementi said that the District would be able to handle that flow. She said staff had Mooseheart upsize the sewer to serve that whole area if they were to sell that property. It is quite a bit larger than what they would really need for right now. The force main they are installing is more than what they need and if they were to sell Mooseheart would have to execute a Recapture Agreement with the developers at that time and recuperate some of their costs because now it is set up for development if Mooseheart chooses.

11159

It was moved by Trustee Funkey, seconded by Trustee Krahn, put to vote and unanimously carried to approve the concessions contained set forth in the memo on the opinion of the staff.

Attorney Ingemunson requested tentative approval of Ordinance 919 and Resolution 1006 Piper Glen Annexation Agreement and set a Public Hearing for 10:00 A.M., June 21, 2023 at the Board of Trustee's Meeting. Attorney Vince Rosanova addressed the Board and stated the subject property is 119 acres just south of Wolf's Crossing and just to the East of the Southbury Subdivision. In March of this year, the Village of Oswego annexed and approved it for 326 single family homes. Currently preparing for the construction season and plan to break ground and installing utilities later this Summer or early Fall. It was moved by Trustee Funkey, seconded by Trustee Krahn, put to vote and the Motion was unanimously carried to tentatively approve Ordinance 919 and Resolution 1006 Piper Glen Annexation Agreement and set a Public Hearing for 10:00 A.M., June 21, 2023 at the Board of Trustee's Meeting.

11160

Attorney Ingemunson shared two memoranda to the Board regarding the Law regarding Executive Session and Open Meeting Act and opened it for discussion. Trustee Funkey stated that the memo presented by Attorney Ingemunson regarding the Open Meetings Act covers the application as far as Trustees meeting whether it be in a social or Board meeting setting. It appears that it is prohibited if it is a meeting where business in which the Trustees have the power to act on also on a case by case basis. Trustee Funkey inquired what is the proper subject matter because the memo provided is very broad. Attorney Ingemunson said the case law is very broad and that is why it has to be a case by case basis. Discussion ensued.

Manager Clementi addressed the Board with the Construction Project's Report. She requested Partial Payment No. 19 to Whittaker Construction in the amount of \$192,545.89 for the North Aurora Pumping Station Improvements Project. The project is 91% complete. Pay request was reviewed by Strand & Associates.

Manager Clementi requested approval of Partial Payment No. 18 to Williams Brothers Construction in the amount of \$81,339.14 for the Digester Complex Improvements (DCM-4) Project. The project is 79% complete. Pay request was reviewed by CDM Smith.

Manger Clementi requested approval of Partial Payment No. 12 to Vissering Construction in the amount of \$107,579.06 for the 111th Street Pump Station Project. The project is 84% complete. Pay Request was reviewed by Trotter and Associates.

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

Mr. Tim Rubis addressed the Board with the Manager's Report and gave them a PFAS update. Mr. Rubis said the IAWA put out a Draft Position Statement. The purpose of this document will be for the IAWA member agencies to have a united message and put it on their respective websites, use it for discussions with residents, farmers, or legislators, and to inform Trustees. A copy is included in the packet given to the Board. He said the IAWA was accepting suggestions until May 19, 2023, they are currently being reviewed by the Executive Committee and will be distributed to the membership. Manager Clementi stated that once this document is completed, staff would like to add it to the District's website for the public to view and make them aware that the wastewater treatment plants are not the creators of PFAS, they are the recipients. Mr. Rubis said test results being delivered faster than in the past. Samples were taken at the Plant last week for PFAS and soon staff will be sampling industries as well. Samples will be taken at influent, effluent and biosolids.

Trustee Funkey suggested adding a message regarding PFAS to the wastewater bills and also suggested the PR Committee come up with other ideas on how to bring awareness to the public regarding PFAS. Trustee Sotir said she does not believe the bills would be a good avenue to use but the District's website would be



a better option. She said this is going to be an ongoing project and there really is no end in sight. Discussion ensued.

Manager Clementi continued with the Manager's Report and gave the Board an update regarding the Renewable Natural Gas (RNG). She advised that Nicor filed a petition with the Illinois Commerce Commission on April 28, 2023 to request an extension of Rate 81, a.k.a. the RNG Interconnect Program. Rate 81 is set to expire on July 15, 2023. Nicor's petition seeks to eliminate the deadline completely, which will give the District more time to thoughtfully coordinate and construct the RNG project. Nicor has disclosed that they have one project approved and 10 more are in the queue and Fox Metro is one of those ten projects in the queue. She also advised that Attorney Jerry Fox has filed an associated Petition with the Illinois Commerce Commission on the District's behalf to support Nicor's petition.

Trustee Funkey said it has been discussed in the past for Fox Metro to be a regional collector. He said Fox Metro should take a very aggressive position on this and get a system that allows the District to be the regional collector for other producers and it could result in a very good source of income for the District. He said it should be made very clear to Nicor that the District will build to become a regional collector and they should prepare to accept our product. Manager Clementi said this is where Attorney Jerry Fox will be a big help and assist the District.

The next item discussed in the Manager's Report was the renewal of Visu-Sewer Maintenance and Repair Contract. Manager Clementi stated this will be the second renewal of a possible 5 one-year renewals for the general maintenance and repairs, such as lining, grouting and small spot repairs on the District-owned mains and appurtenances within the collection system. Staff is seeking the Board's approval to be reflected in the regular session minutes in case Visu-Sewer needs this formal approval for their appropriate insurances and bonding.

It was moved by Trustee Funkey, seconded by Trustee Krahn, put to vote and the Motion was unanimously carried to authorize staff



to proceed with a one-year renewal of the Sewer Maintenance and Repair Contract with Visu-Sewer.

The next item discussed was the Fox Valley Park District Memorandum of Understanding for the sale of the old North Aurora Pump Station. Manager Clementi advised the Board that the Memorandum of Understanding was executed by Trustee Sotir for the \$1 sale of the pump station and land after legal review on both sides. This is a win-win: The Fox Valley Park District will acquire a perfectly good building to use for bathrooms and/or storage along the Fox River Trail and their original land back with a savings to the District of approximately \$55,000.00 versus full building demolition costs.

With no other matters to come before the Board, Manager Clementi requested an Executive Session be held to discuss personnel and related matters.

11163 It was moved by Trustee Brown, 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.

The Regular Board Meeting temporarily adjourned for Executive Session at 10:38 A.M.

11164 It was moved by Trustee Funkey, 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 11:22 A.M.

No decisions were made in Executive Session.

11165 With no other business to come before the Board, it was moved by Trustee Funkey seconded by Trustee Krahn, put to vote and the Motion unanimously carried that this meeting be adjourned.

Meeting adjourned at 11:23 A.M.

R-567