

**MINUTES OF THE REGULAR MEETING
OF THE BOARD OF TRUSTEES
OF FOX METRO WATER RECLAMATION DISTRICT
HELD WEDNESDAY, AUGUST 20, 2014**

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, August 20, 2014. Present were, President James K. Detzler, Trustee Judith S. Sotir, Trustee Michael C. Funkey, Trustee Albert E. Heriaud, & Trustee Christopher F. Childress. Also present were Attorney Dallas Ingemunson, Manager Thomas F. Muth, Matt Woodin, Chris Morphey, Joel Ilseman, John Frerich from Walter E. Deuchler and Norma Rodriguez. Also in attendance Leo Pawlowski Sr., from Northeast Neighbors.

8735 The bills were presented and read. It was moved by Trustee Sotir, that the bills be allowed as read, and that checks be drawn in payment account during the month of July 2014 in the amount of \$1,750,305.37 be ratified and approved. Motion was seconded by Trustee Funkey, put to vote and unanimously carried that the bills be paid as presented.

8736 It was moved by Trustee Sotir seconded by Trustee Funkey, put to vote and unanimously carried that the Treasurer's Report for July, 2014 be approved as submitted.

8737 It was moved by Trustee Sotir, seconded by Trustee Heriaud, put to vote and unanimously carried that the minutes of the July 23, 2014 Regular Board Meeting be approved as written, each of the Trustees having received and read copies of said minutes before the meeting.

In New Business Manager Muth reported to the Board of an incident that happened with an employee at the District. He reported that Randy Hummer suffered a serious biking accident at our parking lot while coming in to work on August 5, 2014. He was knocked unconscious and suffered some lacerations to his face including one that needed minor surgery. Manager Muth said it is not known how long he was lying on the pavement unconscious when two of our employees came upon him. Those employees were Craig Soling and Nathan Vaughn. They were the first responders and administered first aid to Randy. Craig who has EMT training utilized those skills to help Randy in time of need. Thanks to those two individuals, Randy received the best possible care he could have received at the time until the Oswego Fire Department paramedics arrived at the scene and took over.

It has been two weeks since the accident and Randy is back at work and doing phenomenal thanks to his excellent physical condition and these two individuals who need to be recognized for outstanding effort and service to the District.

Also, a special thanks to the Oswego Fire Department for their expert and professional matter of taking care of Randy.

With no New Business or Public Comments, It was moved by Trustee Detzler, seconded by Trustee Sotir, 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 9:45A.M.

In the committee of Local Improvements Manager Muth discussed the CSO Long Term Control Plan. He said after four years the IEPA has accepted it as submitted. He said the IEPA expect Fox Metro to be in compliance with discharging less than four overflow events by the year 2025 but we already meet that.

Manager Muth reported that they had a very large meeting with the Fox River Study Group in collaboration with the IEPA and other environmental groups. He said we have been waiting two years to receive the NPDES permit, which is the permit with which the plant operates. The IEPA is in a position where they have submitted draft permits to a number of agencies up and down the Fox River so it is up and coming for us. One of their requirements is one milligram per liter of phosphorous and that is going to be in the permit. He said one milligram per liter of phosphorous is the start but knows it is going to be much more stringent than that. The IEPA wants all of the waste water treatment plants up and down the river to implement this within the next four and a half years. Manager Muth said it was mentioned to the IEPA that because of the complexity of what needs to be accomplished, we are not going to be able to meet that requirement in four and a half years. The IEPA wants us to communicate to all of the dischargers that we are trying to look for an extension and prove to them why we can't meet that deadline.

We have to report to the IEPA the phase 3 report of the Fox River Study Group which was something the Illinois State Water Survey did. It is not clear why we have to submit it, the report is not correct because the Illinois State Water Survey used the program from the USEPA that is outdated, this was discovered by Limno Tech who is doing a more sophisticated model for the Fox River Study Group. We also have to prove to the IEPA that we are optimizing our plant to remove phosphorous. We are adding Ferric Chloride to our digesters to reduce the phosphorous. We are going to put mixing equipment in one of our aeration tanks to see how that can be retrofitted in our existing tanks and see how it can be analyzed for future phosphorous removal at our North plant.

Trustee Sotir asked how we fare compared to other agencies throughout the state. Manager Muth said some already are removing phosphorous to one part per million. He said over the past six months we have reduced our outflow of phosphorous by approximately one part per million but it is uncertain if that is going to stay standard for the rest of the year.

Manager Muth said there was a question about 85% removal of solids and BOD's at our wet weather flow facilities and we got a response from the IEPA that what the USEPA meant was that we had to have 85% removal on all flows on a monthly average. He tried to tell them over time that if they are thinking that 85% can be removed out of the wet weather flow facility, it is going to be very difficult. Finally they realized that it can't happen. One of Manager Muth's concerns is that IEPA based on what the USEPA is saying is that they want us to start to monitor our outflow from our wet weather flow facilities to check for BOD's, suspended solids, ammonia and other constraints or parameters and it was discussed with the IEPA on how we are required whether 85 million gallons per day are fully treated. Based on that discussion it was explained to the IEPA that it is very difficult for us to monitor our flows because they are blended in different parts of our treatment plant because we have tertiary filters. The IEPA may waive that requirement. There is also going to be a requirement for us to monitor for CMOM (Capacity Management Operations Maintenance) of our system. Also, the Special Condition referring to Industrial Pre-Treatment is 5 pages long vs. 2 ½ pages in our prior permit.

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

The Regular Board Meeting reconvened at 9:50 A.M.

Attorney Ingemunson and Manager Muth requested approval of a two year extension of the Land Application of Biosolids Contract with Ag-Tech. Attorney Ingemunson presented Resolution No. 922, Two Year Extension of the Land Application of Biosolids Contract, to the Board for their approval, which read as follows:

WHEREAS, Fox Metro Water Reclamation District has heretofore entered into an agreement with Ag-Tech Services, Incorporated for performance of certain filter cake spreading services, and

WHEREAS, said contract terminates on December 31, 2014 but provides therein for the extension of the terms for a two-year period, and

WHEREAS, Ag-Tech Services Incorporated has requested exercise of said option to extend the contract through December 31, 2016 at a compensation for spreading at \$4.70 per cubic yard, hauling at \$92.40 per hour, and incorporating at \$20.22 per acre, and

WHEREAS, a further option to extend said contract is in the best interests of the District,

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

SECTION 1: That the option provisions as contained in the aforesaid contract as amended by Addendum be and the same should be exercised.

SECTION 2: That the compensation as provided and as agreed upon for this extension period at \$4.70 per cubic yard, hauling at \$92.40 per hour, and incorporating at \$20.22 per acre is appropriate and is in the best interests of the District.

SECTION 3: That the President and Clerk of the Board of Trustees of Fox Metro Water Reclamation District are hereby authorized and directed to execute an Addendum to the aforesaid contract with provision as specified above.

It was moved by Trustee Sotir, seconded by Trustee Funkey, put to vote and unanimously carried that Resolution No. 922, Two Year Extension for the Land Application of Biosolids Contract, be approved as written.

PASSED by the Board of Trustees of Fox Metro Water Reclamation District this 20th. Day of August, 2014, by a voice vote of 5 to 0.

Attorney Ingemunson presented Resolution No. 923, Grant of Easement with Donald J. Hamman and Carol S. Hamman for Grant of Easements for TRACT A "Lift Station Area", TRACT B "Permanent Utility Easement and TRACT C "Temporary Construction Easement, which read as follows:

WHEREAS, said DONALD J. HAMMAN and CAROL S. HAMMAN, Owners, has executed and delivered to the District the proposed easements,

NOW, THEREFORE, BE IT RESOLVED that the District shall and does hereby accept the said easements and the President and the Clerk of the District are authorized and directed to affix their signatures accepting said easement.

BE IT FURTHER RESOLVED that the Clerk and the attorney for the District are hereby authorized and directed to take such steps to have said easement filed with the County Clerk of Will County and recorded with the Recorder of said Will County according to the law in such case made and provided.

It was moved by Trustee Sotir, seconded by Trustee Funkey, put to vote and unanimously carried that Resolution No. 923, Grant of Easement with Donald J. Hamman and Carol S. Hamman, be approved as written.

ADOPTED by the Board of Trustees of Fox Metro Water Reclamation District this 20th day of August, 2014, by a voice vote of 5 to 0.

Attorney Ingemunson presented Resolution No. 924, Approving Ordinance No. 852, Annexation with the National Bank & Trust Company of Sycamore as Trustee under Trust 1280647408 for a Senior Living Facility, 2.07 acres in Sugar Grove, to the Board for their approval, which read as follows:

WHEREAS, FOX METRO WATER RECLAMATION DISTRICT(“DISTRICT” and **THE NATIONAL BANK & TRUST COMPANY OF SYCAMORE as Trustee under Trust 1280647408**, Owners, have negotiated an Annexation Agreement for the annexation to the DISTRICT of approximately 2.07 net acres of land located in the Village of Sugar Grove, Kane County, Illinois, a copy of said proposed Agreement being attached hereto and incorporated herein, and

WHEREAS, a Public Hearing was duly held pursuant to statute and following publication as provided by law, on the 20th day of August, 2014, and no one having objected thereto, and

WHEREAS, the approval of said Annexation Agreement is in the best interests of Fox Metro Water Reclamation District,

WHEREAS, said territory described in said Petition is contiguous to Fox Metro Water Reclamation District, and

WHEREAS, it is hereby determined by the Board of Trustees of Fox Metro Water Reclamation District that it will inure to the benefit and welfare of the District if said territory is annexed to Fox Metro Water Reclamation District,

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Fox Metro Water Reclamation District as follows:

1. That the District hereby approves the Annexation Agreement between, **THE NATIONAL BANK & TRUST COMPANY OF SYCAMORE** as Trustee under Trust 1280647408, Owners and Fox Metro Water Reclamation District attached hereto and made part hereof.
2. That the President and Clerk of the Board of Trustees of Fox Metro Water Reclamation District are hereby authorized and directed to execute the attached Agreement in their capacity as President and Clerk for the Fox Metro Water Reclamation District, and that the Agreement as so provided is effective from the date of execution of said Agreement.
3. That Ordinance No. 852 annexing the territory therein described to the Fox Metro Water Reclamation District be and the same is hereby passed, and
4. That the Clerk and the Attorney for the District are hereby authorized and directed to take such steps to have said Ordinance filed with the County Clerk

of Kane County and recorded with the Recorder of said County according to the law in such case made and provided

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It was moved by Trustee Sotir, seconded by Trustee Funkey, put to vote and unanimously carried that Resolution No. 924, Approving Ordinance No. 852, Annexation with the National Bank & Trust Company of Sycamore as Trustee under Trust 1280647408 for a Senior Living Facility, 2.07 acres in Sugar Grove.

ADOPTED by the Board of Trustees of Fox Metro Water Reclamation District this 20th day of August, 2014, by a voice vote of 5 to 0.

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John Frerich addressed the Board with the Engineer's Report. Mr. Frerich requested approval of Partial Payment No.2 to Frank Marshall Electric, Inc., in the amount of \$80,604.00 for Service B Upgrades Project. It was moved by Trustee Sotir seconded by Trustee Heriaud, put to vote and unanimously carried that payment be made in the amount of \$80,604.00 to Frank Marshall Electric, Inc., for work completed on Service B Upgrade Project.

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John Frerich requested approval of Partial Payment No. 9 to Whittaker Construction & Excavating for Building K & L Modifications – Interior Improvements in the amount of \$44,368.35. It was moved by Trustee Sotir seconded by Trustee Heriaud, put to vote and unanimously carried that payment be made in the amount of \$44,368.35 to Whittaker Construction & Excavating for Building K & L Modifications – Interior Improvements Project.

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John Frerich requested approval of Partial Payment No.7 to Frank Marshall Electric, Inc., in the amount of \$8,622.90, for North Aurora Pump Station MCC Replacement Project. It was moved by Trustee Sotir seconded by Trustee Heriaud, put to vote and unanimously carried that payment be made in the amount of \$8,622.90 to Frank Marshall Electric, Inc., for work completed on North Aurora Pump Station MCC Replacement Project.

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John Frerich requested approval of Partial Payment No. 4 to Mechanical, Inc., in the amount of \$525,006.00 for the Air Main Header Replacement. It was moved by Trustee Sotir, seconded by Trustee Heriaud, put to vote and unanimously carried that payment be made in the amount of \$525,006.00 to Mechanical, Inc., for work completed on the Air Main Header Project.

At this time, Manager Muth addressed the Board with the Manager's Report. Manager Muth requested authorization to advertise for a Public Hearing to be held at the September 24, 2014 Board Meeting at 10:00 a.m. to discuss the Preliminary Environmental Impact Determination (PEID) for the Phase 2 Improvements.

John Frerich said this is part of the facilities planning approval process. All the environmental impact of the projects have to be looked at, present that to the IEPA and either have initiated or received sign offs from all the different environmental agencies and once that has gone forward that is also presented to the IEPA. We have to get public comments or public input if any and once a Public Hearing is held the IEPA has either ten or fifteen afterwards to receive written comments and after if we respond to comments or if there aren't any comments then they will go ahead and issue the facility improvement approval letter. This would be all of Phase 2 improvements of the long term control plan. This is done for every loan project.

Trustee Sotir asked when people come to the Public Hearing if they will have the opportunity to discuss the environmental impact of Phase 2. John Frerich confirmed that they would.

It was moved by Trustee Sotir seconded by Trustee Detzler, put to vote and unanimously carried to advertise and hold a Public Hearing to discuss the Preliminary Environmental Impact Determination (PEID) for the Phase 2 Improvements on September 24, 2014 at 10:00 a.m.

Continuing with the Manager's Report, Manager Muth said that last month a call was received from a citizen at around 4:30 p.m. stating that Fox Metro was polluting the river. He lives south on the river bank. Manager Muth went to the plant to make sure that it was functioning properly and it was. The citizen who filed the complaint was called and was asked to come to the treatment plant and view our effluent. Fox Metro's clear effluent plume was pushing some ill looking material further out in the river. A large amount of time was spent with this individual and took him throughout the plant to prove to him that it was not Fox Metro that was polluting the river. A team of employees was created to investigate where this material was being discharged from. This material looked like waste activated sludge. As a result of the investigation it was determined that it was outflow from retention ponds and the environmentally friendly ponds that are being built.

Best determination it was not Fox Metro that was polluting the river. An article was written explaining the results of the investigation and this information was then posted on our website.

Trustee Sotir said the good thing about the website is that it is a good source of information for residents who have questions or doubts about a particular issue.

Another issue that Manager Muth reported to the Board was that in July an odor complaint was received from Mr. Bond from the Village of Montgomery. Manager Muth admits the day the odor complaint was received there was an odor problem at the plant and unfortunately it happened to be on one of the warmer days that we have had. There was a problem with a valve and a clarifier couldn't empty. We also posted this issue on our website and communicate the issue.

On a positive note, it was also posted on the website that Fox Metro won the Silver Award and it was also appeared in the Ledger and the Voice.

At 10:00 A.M. Manager Muth opened and read aloud bids received for Building P-1 HVAC Renovations Project as follows: Amber Mechanical Contractors – Total Bid \$541,000.00; R J O’Neil – Total Bid \$372,908.00; Commercial Mechanical – Total Bid \$598,000.00; F E Moran – Total Bid \$75,000.00 -The Engineer’s estimate for this project was \$375,000.00. Trustee Childress asked if we were obligated to do the project if a bid was accepted because he believed that the grant application were going to be discussed prior to accepting a bid. John Frerich said that they have looked into getting grant assistance for this project. He said that they looked at two programs, The Illinois Clean Energy Community Foundation and the DCEO. He said you can get assistance from one or the other but not from both. The DCEO the better of the two programs and he has been in contact with Tom Coe and its through the public sector Energy Efficiency Standard Incentive Program which is what we fall under. There is a preapproval application process and we are currently working through that with DCEO at this time. They have had some issues with their website not being able to upload or download the information. He is currently working with Tom Coe directly to get that incentive program involved. The incentive for the program that we fall under is 75% of the total cost of the project, which is defined in the cost of purchase and install, including labor costs. Mr. Frerich said that he does not have a dollar figure that has been preapproved to report to the Board. Trustee Childress asked what the timing was. Mr. Frerich said that timing was not the issue, the issue is the problem that they are having with their website. As far as the approval, that just gets our project on the list and any monies would not be distributed until final application is submitted. Final application is submitted upon substantial completion of the project.

Trustee Childress wanted to confirm that as long as the initial application is submitted the project can begin and then DCEO will disclose the amount of the incentive. John Frerich said that was correct and then a final application would be submitted. He said in this particular case as long as the final application is submitted by February 14, 2015 there is a qualifying incentive of an additional 5%. Mr. Frerich said the way this project is set we should be able to meet that deadline because the plan is to complete this project by November.

Trustee Childress wanted to confirm that by approving this bid, the grant would not be jeopardized. John Frerich confirmed to him that it would not affect it.

It was moved by Trustee Sotir, seconded by Trustee Funkey, put to vote and it was unanimously carried that the low bid of R J O’Neil, be accepted for \$372,908.00 and the bid of Amber Mechanical Contractors, for \$541,000.00 be held pending specification review by Fox Metro Water Reclamation District and Walter E. Deuchler Engineering Staff.

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Manager Muth opened and read aloud bids received for Farnsworth Pump Station MCC Replacement Project as follows: West Elsdon, – Total Bid \$235,463.00; Frank Marshall Electric. – Total Bid \$178,000.00; The Engineer’s estimate for this project was \$170,000.00. It was moved by Trustee Sotir, seconded by Trustee Funkey, put to vote and it was unanimously carried that the low bid of Frank Marshall Electric, be accepted for 178,000.00 and the bid for West Elsdon, for 235,463.00 be held pending specification review by Fox Metro Water Reclamation District and Walter E. Deuchler Engineering Staff.

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Manager Muth opened and read aloud bids received for Pleasure View Estates CIPP Lining Project as follows: Insituform, - Total Bid \$168,445.00; Michaels Corporation, - Total Bid \$257,152.00; Visu Sewer, - Total Bid 164,660.00; The Engineer’s estimate for this project was \$253,000.00. It was moved by Trustee Sotir, seconded by Trustee Funkey, put to vote and it was unanimously carried that the low bid of Visu Sewer, be accepted for \$164,660.00 and the bid for Insituform, for \$168,445.00 be held pending specification review by Fox Metro Water Reclamation District and Walter E. Deuchler Engineering Staff.

At this time the meeting was resumed with Manager’s Report and Manager Muth discussed the Health Insurance costs for the plan year ended July 31, 2014. He said Jimmie Delgado compiled the summary of health insurance costs for the last two years. This year is better compared to last and with the Changes That Last a Lifetime program that we have implemented is going to help to keep the cost of insurance down. Employees are beginning to be more conscious of their health and making changes to improve it and that will translate to less health issues and costs.

Manager Muth handed the Board an investment memo that Jimmie Delgado created regarding investments that are implemented. He said Jimmie researched the market and we have to be conservative with our investments. Jimmie outlined what the high risks are and gave his recommendation.

Manager Muth reported to the Board that the yearly DMR quality assurance testing that the lab has to perform for the IEPA received 100%. This is another sign that the lab is doing a fantastic job in taking all the samples performing them up to their standards.

Manager Muth reported that there has been a change in the Pretreatment Department Laurie Frieders has accepted a position at Glenbard Waste Water treatment plant. He said this is a loss for the District but wishes her nothing but the best in her new endeavor. Trustee Childress asked if it was promotion. Manager Muth said that she was excited to be taking on a new program at that waste water treatment facility.

Manager Muth said he has a meeting with Linda Chapa Lavia on August 21, 2014 to discuss the Illinois Department of Public Health Issue.

Manager Muth updated the Board that House Bill 5732 it at the Senate right now, it has gone through the House.

Joel Ilseman reported that the plant is running good and the remaining projects are starting to proceed.

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

The Meeting adjourned at 11:45 A.M