MINUTES OF A REGULAR MEETING OSWEGO VILLAGE PRESIDENT AND BOARD OF TRUSTEES OSWEGO VILLAGE HALL 100 PARKERS MILL, OSWEGO, ILLINOIS October 1, 2024

CALL TO ORDER AND PLEDGE OF ALLEGIANCE

President Ryan Kauffman called the meeting to order at 7:04 p.m. Chief Jason Bastin led the Pledge of Allegiance to the Flag of the United States of America.

ROLL CALL

Board Members Physically Present: President Ryan Kauffman; Trustees Tom Guist, Kit Kuhrt, Karen Novy, and Andrew Torres.

Absent: Trustees Karin McCarthy-Lange, Jennifer Jones Sinnott

Staff Physically Present: Dan Di Santo, Village Administrator; Jean Bueche, Asst. Village Administrator; Tina Touchette, Village Clerk; Jason Bastin, Police Chief; Jennifer Hughes, Public Works Director; Curt Cassidy, Incoming Public Works Director; Andrea Lamberg, Finance Director; Rod Zenner, Development Services Director; Joe Renzetti, IT Director; Kevin Leighty, Economic Development Director; Phil Tartaglia, Public Works Deputy Director/Engineer; Rachel Riemenschneider, Asst. Development Services Director; Bridget Bittman, Communications Manager; Maddie Upham, Management Analyst; and Dave Silverman, Village Attorney.

CONSIDERATION OF AND POSSIBLE ACTIONS ON ANY REQUESTS FOR ELECTRONIC PARTICIPATION IN MEETING

President Kauffman noted that Trustee Karin McCarthy-Lange would like to electronically attend tonight's Regular Village Board meeting. Trustee McCarthy-Lange submitted the necessary documents to the Village Clerk.

A motion was made by Trustee Torres and seconded by Trustee Novy to approve Trustee Karin McCarthy-Lange to electronically attend the October 1, 2024 Regular Village Board meeting.

Aye: Tom Guist Kit Kuhrt
Karen Novy Andrew Torres

Nay: None

Absent: Karin McCarthy-Lange, Jennifer Jones Sinnott

The motion was declared carried by a roll call vote with four (4) aye votes and zero (0) nay votes.

Trustee Karin McCarthy-Lange attended electronically at 7:06 p.m.

RECOGNITIONS/APPOINTMENTS

D.1 Employee Service Awards

- a) Jordan Newcomer- 5 Years of Service (Finance Department) Did not attend. President Kauffman thanked her for her service.
- b) Austin Svehla- 5 Years of Service (Police Department)
 Did not attend. President Kauffman thanked him for his service.

D.2 Proclamation- National Breast Cancer Awareness Month, October 2024
President Kauffman read the proclamation and stated his aunt died from breast cancer.

D.3 Proclamation- National Community Planning Month, October 2024

President Kauffman asked Development Services Director, Zenner and Asst. Development Services Director Riemenschneider to come to the front. Administrator Di Santo stated that Rachel was recently promoted to the Asst. Development Services Director position. President Kauffman read the proclamation and presented them with a copy. Pictures were taken.

PUBLIC FORUM

Public Forum was opened at 7:11 p.m. There was no one who requested to speak. The public forum was closed at 7:11 p.m.

STAFF REPORTS

There were no staff reports.

CONSENT AGENDA

- G.1 September 17, 2024 Committee of the Whole Minutes
- G.2 September 17, 2024 Regular Board Minutes
- G.3 Resolution Authorizing the Execution of Addendum No. 2 to the Local Public Agency Engineering Services Agreement with Thomas Engineering Group, LLC, for Wolfs Crossing, in the Amount of \$151,418.00.
- G.4 Resolution Authorizing the Purchase of One Peterbilt 365 Truck from Hunter Truck Sales & Service, LLC, in an Amount Not to Exceed \$250,000.00 and Waiving of the Competitive Public Bidding Requirement.
- G.5 Resolution Authorizing the Execution of a Local Public Agency Engineering Services Agreement with Ciorba Group, Inc. for the Minkler Road Bridge Rehabilitation in the amount of \$281,831.00.
- G.6 Resolution Authorizing the Initial Acceptance of Public Improvements for Deerpath Trails Unit 6 Effective October 2, 2024, and Reduction of Project Surety.

A motion was made by Trustee Guist and seconded by Trustee Novy to approve the Consent Agenda; Approving the September 17, 2024 Committee of the Whole Minutes; Approving the September 17, 2024 Regular Village Board Minutes; and Approving the following resolutions:

Resolution No. 24-R-71; Resolution Authorizing the Execution of Addendum No. 2 to the Local Public Agency Engineering Services Agreement with Thomas Engineering Group, LLC, for Wolfs Crossing, in the Amount of \$151,418.00.

Resolution No. 24-R-72; Resolution Authorizing the Purchase of One Peterbilt 365 Truck from Hunter Truck Sales & Service, LLC, in an Amount Not to Exceed \$250,000.00 and Waiving of the Competitive Public Bidding Requirement.

Resolution No. 24-R-73; Resolution Authorizing the Execution of a Local Public Agency Engineering Services Agreement with Ciorba Group, Inc. for the Minkler Road Bridge Rehabilitation in the amount of \$281,831.00.

Resolution No. 24-R-74; Resolution Authorizing the Initial Acceptance of Public Improvements for Deerpath Trails Unit 6 Effective October 2, 2024, and Reduction of Project Surety.

Aye: Tom Guist Kit Kuhrt Karin McCarthy-Lange Karen Novy

Andrew Torres

Nay: None

Absent: Jennifer Jones Sinnott

The motion was declared carried by an omnibus roll call vote with five (5) aye votes and zero (0) nay votes.

BILL LIST

H.1 Approve Bill List Dated October 1, 2024, in the Amount of \$1,668,973.48.

A motion was made by Trustee Guist and seconded by Trustee Torres to approve the Bill List Dated October 1, 2024, in the Amount of \$1,668,973.48.

Aye: Tom Guist Kit Kuhrt
Karin McCarthy-Lange Karen Novy

Andrew Torres

Nay: None

Absent: Jennifer Jones Sinnott

The motion was declared carried by a roll call vote with five (5) age votes and zero (0) nay votes.

OLD BUSINESS

There was no old business.

NEW BUSINESS

J.1 Resolution Accepting Planning and Technical Assistance Services Delivered by the Chicago Metropolitan Agency for Planning. **Resolution No. 24-R-75**

Director Zenner addressed the Board regarding a bicycle and pedestrian plan. In April of 2024, Village staff applied for technical assistance on a Bicycle and Pedestrian Plan from the Chicago Metropolitan Agency for Planning (CMAP) during their open call for projects. After initial application reviews and subsequent finalist interviews, the Village of Oswego was selected to receive technical assistance from CMAP for a 2025 Bicycle and Pedestrian Plan. The Village is required to pay \$20,000 for the services provided. This cost operates the same as a grant match. To ensure that this program is cost effective and beneficial to the Village, staff inquired with one of our contracted engineering firms to verify what the cost would be to hire directly with an engineer to complete this project. Staff found that the same services proposed by CMAP, and its third-party consultant would cost the Village approximately \$75,000-\$100,000.

The CMAP technical assistance program supports communities through planning and implementation assistance. For the Bike/Ped Plan, CMAP and a third-party consultant will provide support for route planning and infrastructure, intersections, transit stations and transfer points, signage and signalization, streetscapes and furnishings, and ADA accessibility. Currently, the Village does not have a plan addressing Bicycle or Pedestrian thoroughfares or safety. If approved, this project will establish a vision and network plan for bicyclist and pedestrian use throughout the incorporated borders of Oswego. It would enhance the usability of the public right-of-way by non-vehicular modes; expand transportation connections to key destinations; increase roadway safety for bicyclists and pedestrians; expand community empowerment and equitable engagement; and provide an action plan to implement plan recommendations. This program would support the Village of Oswego's 2022-2025 strategic priorities of balanced development and well-maintained infrastructure by establishing a vision and network plan for Oswego.

Jen Maddux, Senior Planner for CMAP, presented the following:

Project team



Jen Maddux Project Manager





Consultant team of planners, engineers, designers, and transportation safety subject matter expertise

- Jen Maddux has been with CMAP for 9 years
- Lindsy Bayley will provide direction
- Working through the consultant selection process

Who is CMAP?

Regional planning agency for Northeastern Illinois

7 counties and 284 municipalities

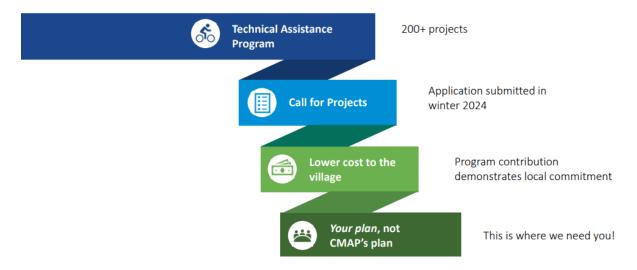
ON TO 2050

Safety and prioritized investment

- Long range plan
- Eliminate roadway deaths
- Target investments into projects



Why we're here



- Village applied for the technical assistance program
- Will cost \$20,000 versus \$100,000
- It is the Village's plan, not CMAP's

What is a bicycle and pedestrian plan?

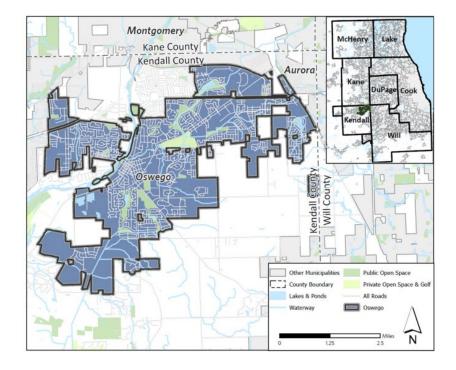
Active transportation plans develop goals and recommendations for improving safety, connectivity, and accessibility for people walking, biking, and rolling



- Waukegan was an award-winning plan
- Plan for the future

Study area

Village of Oswego



• Will work with the neighboring communities and the State

Key topics



- Elderly and children
- Thinking about future travel

Project timeline



- Create and incorporate feedback
- What is currently going on
- Put together recommendations and discuss potentials
- Final plan will be 100-200 pages
- CMAP will focus on the implementation with the Village

Next steps:

Consultant selection

Project kickoff

Communications and outreach strategy

Launch project website

Consultant selection will be within the next month or so

Board and staff discussion focused on this is very exciting; looking forward to what you come up with; there are intermittent walking paths and not continuous along Rt. 34; will this bring connectivity to other communities; boundary is the Village limits, but will consider this; will have IDOT involved through the process; there are many needs in the Village; it's hard to prioritize; how we approach the plan; consolidate and clarify how we see this in the future; we want the plan to prioritize; it all comes down to funding; Park District maintains our paths; CMAP will work with the Park District; will also work with anyone who owns right-of -ways in the Village; excited about and implementing sooner rather than later. There was no further discussion.

A motion was made by Trustee Guist and seconded by Trustee Novy to Approve a Resolution Accepting Planning and Technical Assistance Services Delivered by the Chicago Metropolitan Agency for Planning.

Aye: Tom Guist Kit Kuhrt
Karin McCarthy-Lange Karen Novy

Andrew Torres

Nay: None

Absent: Jennifer Jones Sinnott

The motion was declared carried by a roll call vote with five (5) age votes and zero (0) nay votes.

J.2 DuPage Water Commission Membership Agreements

Administrator Di Santo addressed the Board regarding agreements with the DuPage Water Commission. Irene Schild Caminer, Caminer Law Attorney was present to answer questions. For more than a decade, the Village of Oswego, Yorkville and Montgomery have been on notice from the Illinois State Water Survey that the aquifer is at severe risk of depletion. As a result, our wells have already seen declining production and are at risk of failure as soon as 2033. The Village of Oswego has been studying this issue since 2014 along with Yorkville and Montgomery. In December of 2021, all three communities designated Lake Michigan as the preferred water source and the DuPage Water Commission (DWC) as the preferred water supplier. The three communities have been working with DWC to plan for the eventual connection of their system near 75th Street and Book Road in Naperville to three connection points in Oswego, and two in both Yorkville and Montgomery. Milestones along the way have included:

- May 6, 2022: Enactment of State of Illinois Public Act 102-0736 allowing for representation of non-DuPage County communities on the DWC Board of Commissioners.
- **June 28, 2022:** The residents of Oswego approved a referendum to implement a real estate transfer tax dedicated to funding water improvements.
- May 2, 2023: Board approval of an escrow agreement to fund Phase I engineering for the project.
- August 10, 2023: The Village received a Lake Michigan Water Allocation Permit from the Illinois Department of Natural Resources.
- November 7, 2023: Board approval of a new water rate structure to fund the project.
- March 18, 2024: Board approval of a second escrow agreement to fund Phase II engineering for the project.
- April 16, 2024: Board approval of an EPA-mandated corrosion control study to ensure that the switch from well water to lake water is done safely.
- May 7, 2024: Board approval of a cost-sharing agreement between the three municipalities.

The next steps in the process include formally joining the DWC, securing financing for the project, bidding, and the project construction. Bidding is scheduled to begin at the end of 2024, with the first construction phase starting in early 2025. Construction is expected to last through the end of 2027, with the water source switchover occurring in spring/summer 2028. Four separate agreements are necessary for Oswego to join the DWC and move into the construction phase of the project. Yorkville plans to consider the agreements on October 8th, Montgomery on October 14th, and DWC on October 17th.

The following is an outline of the four agreements:

Water Purchase and Sale Contract

In 1983, the DWC was formed with 23 Charter Members. The DWC built the connection to the City of Chicago, and Lake Michigan water officially flowed out to communities in DuPage County in 1992. Any time new members joined the Commission they were referred to as Subsequent Purchasers. Now,

the DWC consists of 30 members and almost 1,000,000 customers are served daily. In January of this year, the DWC approved a 40-year contract extension with all members, whether a Charter or a Subsequent Purchaser, now considered Contract Purchasers. When DWC proposed the Water Purchase and Sale Contract to the three Communities, the contract contained the same basic provisions and terms as other members, including the end date of February 24, 2064. DWC currently purchases Lake Michigan water from the City of Chicago under an agreement that was extended until 2041. This allows the DWC time to consider possible alternative access to Lake Michigan.

The relevant terms of this contract are summarized below:

- DWC will sell Oswego Lake Michigan water, limited by our IDNR Lake Michigan allocation permit, which can change as the Village grows.
- DWC will deliver Lake Michigan water to Oswego once the construction of the transmission pipe is completed, expected in 2028.
- Oswego is required to store water of at least two times the annual average daily water demand of our system.
- DWC will own and maintain three metering stations in Oswego, and the Village will construct and maintain three receiving stations adjacent to the metering stations.
- Oswego agrees to pay the rates established by the DWC.
- Oswego agrees to pay its share of the connection costs to construct the system extension to Kendall County.
- Oswego agrees to pay DWC a Capital Cost Recovery Charge of \$11 million, or a 'buy-in' cost, to recover Oswego's proportionate share of the original capital costs of the DWC system paid by charter and subsequent customers.
- The contract will expire in 2064.

The DWC consists of 13 Commissioners and 6 Districts. In each district, one Commissioner is appointed by the DuPage County Board Chair, and one is appointed by a majority vote of the mayors in that district. The Chair of the DWC is also appointed by the DuPage County Board Chair. Once Kendall County communities begin taking water in 2028, a 7th District will be created to represent any territories outside of DuPage County. One District 7 Commissioner will be a District 7 resident appointed by the DuPage County Board Chair, and the second will be appointed by the majority vote of the mayors of the District 7 member communities.

WaterLink Project Escrow IGA

As required under the Water Purchase and Sale Contract, Oswego is responsible for paying project costs associated with its proportional share of extending the DWC system to Kendall County. The IGA between Oswego, DWC, Yorkville, and Montgomery establishes the terms of financing the project where the three communities will pay the full cost of the infrastructure that will be owned by the DWC. Like the previous two engineering escrow agreements, the communities will deposit funds into the escrow ahead of signing any project agreements to ensure that the funds are available to pay for the work.

Per our previous IGA, the costs will be allocated with 35.36% to Oswego, 40.22% to Yorkville, and 24.42% to Montgomery. At this time, Oswego's proportionate costs to extend the transmission mains and install the metering stations are estimated at \$88.1 million, out of the total cost of \$249.2 million (baseline pipe size is 48"). In addition, the agreement will allow for a line of credit of up to \$7 million to Oswego from the DWC, should Oswego need emergency or bridge financing to fund the escrow agreement. While not anticipated and only envisioned as a last resort, this line of credit would allow Oswego access to funds if payments were due to the project escrow and Oswego does not have the cash flow available at the time (due to delayed WIFIA or other financing). If Oswego uses this line of credit, the IGA establishes that DWC will charge interest at a rate equivalent to the highest monthly average yield to maturity interest rate earned by the DWC for the previous fiscal year, plus 1%. While useful in

the case of emergency, the WIFIA and other debt Oswego plans to acquire will be at lower interest rates than this line of credit.

Development Connection Facilities to Implement Water Service IGA

This IGA between Oswego, DWC, Yorkville, and Montgomery (in connection with the Water Purchase and Sale Agreement and the WaterLink Project Escrow Agreement) sets out the terms and conditions for the project: design, land acquisition, construction, connection and acceptance, and defaults and remedies.

Capital Cost Recovery Charge IGA

This IGA sets the terms for a 0% interest loan from the DWC to lend Oswego the funds necessary to pay for the \$11,047,790.00 capital cost recovery charge (buy-in). As an alternative to paying the buy-in directly, the Commission is also allowing Oswego to provide an 'asset-in-kind' contribution instead. If Oswego elects to pay its proportionate cost to upsize the transmission main from 48" to 54" to serve future potential DWC customers, the DWC would accept this asset-in-kind contribution as a set-off to the buy-in cost. The costs are expected to be similar in amount, and the benefit to Oswego is that we would be able to leverage this additional expense to receive additional WIFIA financing (low-interest federal loan), which is capped at <50% of the project cost. If we pursue this option, the value of the asset-in-kind contribution would be agreed upon by Oswego and the DWC, considering the differing interest rates. A decision on whether to accept the loan or the asset-in-kind alternative must be made by the time Oswego closes on the WIFIA loan, which is expected to occur in early 2025.

Board and staff discussion focused on City of Chicago is the supplier of the water; Yorkville and Oswego connecting now and Montgomery will tie in later; don't want to use the line of credit and think we can get it elsewhere; details of the project; 0% loan and make payments; making the system larger if other communities want to connect in the future; buy-in is like a recapture fee; capital cost of \$11 million is Oswego's portion; all numbers are estimates until we go out to bid; \$34.4 million total; can take the 0% loan or in-kind asset; will decide once the numbers come in; \$11 million is not going to change; value of system and percentage of usage of the system; amount we owe will not change; will make a decision in next couple months; don't know how much we will get through the WIFIA loan; value of the project; working with consultants and EPA to determine what the WIFIA number will be; applied for State revolving loan for the receiving station; front loading with bond money and may need to get a bond on the backend; maximize lower interest rates; State revolving loans are as you need it; cost overrun; DWC recommends the upsizing; DWC will be upsizing no matter whether we want the in-kind; DWC owns the pipe and wants to serve future customers; larger capacity will address Oswego's future needs; if we exceed what the system is, the whole commission pays for the increase in the system; water storage; will need to build another water tower in 7-10 years; whether DWC metering stations will be on land that Oswego owns; we are required to give DWC space on our property; will be one spot in town that DWC will need to buy; number of metering stations in each community: Oswego= 3, Yorkville= 2, Montgomery= 2; metering stations will be together on the same property; once it passes through the meter, we own it; water supply agreement; commissioner appointments; DuPage wants to maintain control over the positions; not a paid position; \$8 million; 25% contingency. Staff will get back to the Board regarding the interest rates for WIFIA. There was no further discussion.

a) Resolution Authorizing the Execution of a Water Purchase and Sale Contract Between the DuPage Water Commission and the Village of Oswego for the Village of Oswego Unit System. **Resolution No. 24-R-76**

A motion was made by Trustee Torres and seconded by Trustee Novy to Approve a Resolution Authorizing the Execution of a Water Purchase and Sale Contract Between the DuPage Water Commission and the Village of Oswego for the Village of Oswego Unit System.

Aye: Tom Guist Kit Kuhrt
Karin McCarthy-Lange Karen Novy

Andrew Torres

Nay: None

Absent: Jennifer Jones Sinnott

The motion was declared carried by a roll call vote with five (5) aye votes and zero (0) nay votes.

b) Resolution Authorizing the Execution of a Waterlink Project Escrow Intergovernmental Agreement Between the Village of Montgomery, the Village of Oswego, the United City of Yorkville, and the DuPage Water Commission. **Resolution No. 24-R-77**

A motion was made by Trustee Novy and seconded by Trustee Torres to Approve a Resolution Authorizing the Execution of a Waterlink Project Escrow Intergovernmental Agreement Between the Village of Montgomery, the Village of Oswego, the United City of Yorkville, and the DuPage Water Commission.

Aye: Tom Guist Kit Kuhrt Karin McCarthy-Lange Karen Novy

Andrew Torres

Nay: None

Absent: Jennifer Jones Sinnott

The motion was declared carried by a roll call vote with five (5) aye votes and zero (0) nay votes.

c) Resolution Authorizing the Execution of an Intergovernmental Agreement Concerning the Development of Connection Facilities to Implement Water Service Between the Village of Montgomery, the Village of Oswego, the United City of Yorkville, and the DuPage Water Commission. Resolution No. 24-R-78

A motion was made by Trustee Guist and seconded by Trustee Torres to Approve a Resolution Authorizing the Execution of an Intergovernmental Agreement Concerning the Development of Connection Facilities to Implement Water Service Between the Village of Montgomery, the Village of Oswego, the United City of Yorkville, and the DuPage Water Commission.

Aye: Tom Guist Kit Kuhrt
Karin McCarthy-Lange Karen Novy

Andrew Torres

Nay: None

Absent: Jennifer Jones Sinnott

The motion was declared carried by a roll call vote with five (5) aye votes and zero (0) nay votes.

d) Resolution Authorizing the Execution of an Intergovernmental Agreement Concerning Capital Cost Recovery Charge Between the Village of Oswego and the DuPage Water Commission, **Resolution No. 24-R-79**

A motion was made by Trustee Guist and seconded by Trustee Torres to Approve a Resolution Authorizing the Execution of an Intergovernmental Agreement Concerning Capital Cost Recovery Charge Between the Village of Oswego and the DuPage Water Commission.

Aye: Tom Guist Kit Kuhrt Karin McCarthy-Lange Karen Novy

Karin McCariny-Lange

Andrew Torres

Nay: None

Absent: Jennifer Jones Sinnott

The motion was declared carried by a roll call vote with five (5) aye votes and zero (0) nay votes.

TRUSTEE REPORTS

Trustee Kuhrt- congratulations to Jordan, Rachel and Austin.

Trustee Novy- congratulations to Jordan, Rachel and Austin; excited for the CMAP plan; great for the community.

Trustee Torres- congratulations to Jordan, Rachel and Austin; excited for the CMAP plan and ideas; moving forward with the water source; can say it's done in the next couple years.

Trustee Guist- we spent a lot of time when choosing DWC; seems like a really good choice; progress is starting; still time for residents to vote for the General Election.

Trustee McCarthy-Lange- congratulations to staff; excited to see the pedestrian and bike path plan moving forward.

Trustee Jones Sinnott- absent; no report.

PRESIDENT'S REPORT

Kudos to staff for all your work on the water source over the years; proud of you; Community Kauffee is October 5th at 9:00 a.m. at Nash Vegas; looking forward to seeing everyone; Pouring for Pink breast cancer benefit concert is on October 12th from 2:00-7:30 p.m. at Venue 1012.

CLOSED SESSION

There was no closed session.

ADJOURNMENT

A motion was made by Trustee Torres and seconded by Trustee Novy to adjourn the meeting; upon a voice vote with all remaining members voting aye, the meeting was adjourned at 8:07 p.m.

Tina Touchette Village Clerk