

JOURNAL OF THE (1507th) MEETING OF THE
BOARD OF TRUSTEES
THE METROPOLITAN ST. LOUIS SEWER DISTRICT
October 13, 2011 – 4:00 P.M.

The Trustees of the District met in Room 109 at 2350 Market on the above date.
Present at meeting:

Board of Trustees

R. T. Berry, Chair
J. H. Buford, Vice Chair
J. H. Goffstein
G.T. Feldhaus
E. G. Ross
D. A. Visintainer

Staff Members

J. L. Theerman, Executive Director
S. E. Myers, General Counsel
K. J. Tyminski, Secretary-Treasurer
J. M. Zimmerman, Director of Finance
B. L. Hoelscher, Director of Engineering
J. C. Sprague, Director of Operations

Also present were Tom Sullivan, 35 N. Central; Ed Sweet, Parsons; Tim Tappendorf, CMT; John Choinka, GBA; Terry Briggs, Site; Stephen Gregali, City of St. Louis; Sunil Thakkar, Jasun; Dorothy White, WCA; Jim Coll, Jacobs; Pam Hobbs, Geotechnology; Michael Lorenzo, URS; Nicole Adewale, ABNA; Ronny Griffin, Laborers Local 110; Bob Ballsrud, Gilmore & Bell; Vicki LaRose, CDI; Diane Fink, Gonzalez; Susie McFarland, WCA; Mark Eshelman, M3 Engineering; Will Krussel, PB; Sarah Turner, Gonzalez; Rebecca Losli, Losli Engineering; Lawrence Nwachukwu, Basilico Engineering; Jason Terry, Gilmore & Bell; John Schilling, Black & Veatch; Jeff King, CDI; Steve Lewis, AGC; Tom Ratzki, Black & Veatch; David Cavender, Horner & Shifrin; Ramona Dicken, MSD; Todd Loretta, MSD; Allen Mueller, MSD; Gary Moore, MSD; Greg Rebman, MSD; Bill Ehrhard, MSD; Marie Collins, Asst. Director of Engineering; Barb Mohn, Director of Information Systems; Vicki Taylor-Edwards, Director of Human Resources; Ed Travis, Asst. Director of Human Resources; Mike Grace, Risk Management; Debbie Johnson, Public Information Representative; Lance LeComb, Manager of Public Information; and Pam Bell, Secretary to the Executive Director.

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Mr. Berry opened the meeting pursuant to notice and call.

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Motion made by Mr. Buford, seconded by Mr. Feldhaus, that the Board go into closed session to discuss legal, confidential or privileged matters under §610.021(1), RSMO 1988 SUPP.

Motion passed – 4 ayes, no nays

Poll taken:	D. Visintainer	aye	R. Berry	aye
	J. Buford	aye	G. Feldhaus	aye

Messrs. Ross and Goffstein arrived after roll call.

During closed session staff updated the Board on the legal strategy related to a matter of potential litigation pursuant to §610.021(1), RSMO 1988 SUPP. The Board was also updated on a matter related to the EPA Consent Decree to §610.021 pursuant to §610.021(1), RSMO 1988 SUPP. No votes were taken on any issues.

Motion made by Mr. Goffstein, seconded by Mr. Feldhaus, to reconvene into open session.

Motion passed – 5 ayes, no nays

Poll taken:	E. Ross	aye	D. Visintainer	aye
	J. Buford	aye	J. Goffstein	aye
	R. Berry	aye	G. Feldhaus	aye

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Upon motion made by Mr. Feldhaus, seconded by Mr. Ross, the Journals of the September 8 and September 28, 2011 meetings were approved by unanimous voice vote.

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The Chair had no comments.

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Mr. Visintainer reported that the Program Management Committee met on October 4, 2011 at 7:30 a.m. The meeting was attended by Trustees Visintainer and Berry.

The minutes of the August 30, 2011 meeting were approved.

The agenda items to be introduced tonight were presented and discussed, including a detailed discussion regarding the following items:

Item 23 – Lindscott Storm Sewer – After the Board adopted Ordinance No. 13256 to appropriate \$260,000 for this project and to award a contract to Heartland Construction & Excavating for this work, Heartland was unable to provide the necessary contract bond. Staff is recommending that the previous Ordinance No. 13256 be repealed. Staff also requests that the Board adopt a new ordinance appropriating \$340,000 for this project and award a contract to the second low bidder, Fred M. Luth & Sons, for this work. Heartland Construction will be required to forfeit their bid bond.

Item 26 – Forest Valley Odor Control Phase II – The low bid of \$150,770.50 by CTI & Associates was found to be non-responsive due to failure to meet the District's MWBE requirements. Staff is recommending awarding a contract to Gershenson Construction

Company, the second low bidder.

Item 27 – Northland Lateral Sanitary Relief – Staff is requesting an additional appropriation of \$80,000 for this project. Because of a conflict caused by the unknown condition of an existing water main, staff chose the least costly alternative and re-routed the new sanitary sewer instead of paying to have the water main relocated. Staff presented the details of the situation and answered questions by the Committee.

Item 29 – Brookton Way Phase II – While discussing this condemnation request, the Committee questioned staff about the costs and procedures associated with the condemnation process.

Item 31 – St. Louis Combined Sewer Overflows – Staff is requesting a \$150,000 supplemental appropriation to continue funding for its agreement with the Corps of Engineers. Under this agreement, MSD provides the local share for engineering costs associated with making projects eligible for 75% federal funding through the Corps. A similar \$150,000 project with the Corps for the St. Louis Flood Protection System will not be needed this year and will provide the funding for this request.

Item 35A – CSO – Greenbriar Combined Sewer Separation – Staff informed the Committee that they would request the Board to consider introduction and adoption of this project at the November Board meeting to better assure compliance with the requirements of the lodged consent decree and to comply with verbal representations made to the property owners.

Finally, a motion for approval for the Committee to go into closed session was made by Mr. Visintainer and seconded by Mr. Berry. The Committee went into closed session at 8:15 a.m. to discuss legal, confidential or privileged matters under §610.021(1), RSMO 1988 Supp.

The meeting was adjourned at 8:45 a.m.

Mr. Ross reported that the Audit Committee met at 7:30 a.m. on Tuesday, October 11, 2011. In attendance were Trustees Buford, Berry, Ross and Visintainer. The Committee approved the minutes from the prior meeting.

Mr. Marr of Stone Carlie provided the attendees with a copy of the Network Vulnerability, Attack and Penetration Review report. He discussed the scope and objectives of the engagement and provided details of the observations, recommendations, and management action plans resulting from the review. He communicated that there were three observations. He stated that the Director of IT agreed with the observations and the recommended solutions. The remediation procedures are scheduled to be completed by the end of the third quarter FY 2012. Mr. Marr stated that the Certified Ethical Hacker was able to penetrate and access the network; as such, weaknesses in network security were revealed. However, the Hacker communicated that the District's application controls were strong. Mr. Marr addressed questions from the Committee.

Mr. Loretta provided the attendees with a copy of the FY 2012 Risk Assessment and Internal Audit Plan. He summarized various sections of the document, including the risk

assessment methodology and audit plan. He explained that the risk assessment process was utilized to develop the audit plan. He also explained that the audit plan was designed in a manner to align the Internal Audit engagements with the identified risks and related business processes.

Mr. Loretta informed the committee that no alerts had been received from the Alert-Line.

Finally, Mr. Loretta provided the attendees with a copy of the October 11, 2011 Internal Audit Status Report. The report summarized the status of each on-going Internal Audit engagement such as Inventory Review, Payroll Review, Construction Change Order Review, Consent Decree Reporting Review, Overhead Rates Review, Post Implementation ESRP Review, and Audit Vault Implementation.

The meeting adjourned at 8:00 am.

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Mr. Buford reported that the Finance Committee met on October 11, 2011. In attendance were Trustees Buford, Visintainer, Ross and Berry. The committee approved minutes from the August 9, 2011 meeting.

Messrs. Bill Winningham & Mike Zwiener, the District's Pension Actuaries for the Defined Benefit Plan reported Actuarial Valuation results as of December 31, 2010 to the committee. Mr. Winningham reported the recommended contribution for calendar year 2011 to be \$10.9 million vs. last years \$10.3 million, an increase of \$660,000. He noted that the District has made 100% contribution to the plan for the last seven years. He commented that the funding status for the plan as of December 31, 2010 was 81.6%. The report was accepted into the record of the Committee after unanimous consent.

Mr. Winningham discussed the OPEB (Other Post-Employment Benefits) report results. He stated the projected payouts for FY 2012 to be \$1.4 million and increasing to \$2.4 million by fiscal 2021. Mr. Winningham stated that the District is on pay-go for OPEB and that the Net OPEB Liability for fiscal year ending June 30, 2012 will be \$3.4 Million.

Mr. Zwiener updated the committee on the proposed GASB exposure draft on changes to Pension Accounting and Financial Reporting

Mrs. Bellville presented the July and August 2011 Adjustment Review reports and asked that they be entered into the record. The committee unanimously accepted the report into the record.

Mrs. Bellville reported the financial condition of the District was in good condition. She indicated that collections of revenues and fund balances would need additional attention going forward in this new fiscal year to ensure that overall good condition would continue.

Mr. Tyminski reported the bond issue status to the committee. This is item #30 on tonight's agenda. Mr. Tyminski stated that the New England Pension Consultant contract is up for renewal and given their performance, the District recommends a one-year extension of the contract, and this item will be brought to the Board for consideration in November.

Mr. Theerman reviewed the proposed drafts of the MBE and WBE Utilization Program for both Professional Services Projects and Construction Projects. After reviewing the highlighted changes in the policy documents, he concluded that these changes would bring the District's policy in line with the City of St. Louis' policy. Mr. Buford opened the floor for comments from attendees in the audience.

Mr. Murray Edwards asked if good faith efforts would be required throughout the life of the project.

Mr. Adolphus Pruitt of NAACP raised the matter of bringing in consultants to ensure that best practices were implemented as well as expand the current MBE and WBE Program.

Mr. Steve Lewis, with AGC suggested to committee that clearer definitions of these suppliers granted 20% participation would be beneficial, as well as what happens when a contractor is deemed non-responsive.

Mr. Thomas Nellums, of MOKAN supported the changes being made and suggested an advisory board so that additional dialogue could take place.

Mrs. Cathy Busking, of Busking Engineering asked for a more equitable percentage breakdown between MBE and WBE of the minority participation so that firms like Busking Engineering, a WBE have additional opportunities to grow their businesses.

Mrs. Yaphet El-Amin, of MOKAN applauded the District for trying to improve the minority policies. However, she would have liked more time to look over the document in order to provide constructive feedback on the draft. Mrs. El-Amin would like to see a Mentor Program/On the Job training goals, as well as same requirements of 25% & 5% required of minority leads on contracts as well.

Mr. Buford suggested that staff review the proposed policy for potential changes and that it be presented to the Stakeholders committee at their next meeting.

Mr. Tyminski reported the funding of Emerging Market Debt Manager, Pictet was funded.

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The Executive Director reported that on August 6, 2011, Region 7 of the American Society of Civil Engineers presented its regional awards. This Region of ASCE includes the states of Missouri, Kansas, Iowa, Nebraska, Colorado, Wyoming, and South Dakota. At this ceremony, MSD employee Gary Moore was presented with the Lifetime Achievement Award. This award recognizes Gary for his career long effort to further advance the field of civil engineering through his contributions, innovative concepts, research and experience that stands out among his peers. Gary is a Manager in the Engineering Department's Planning Division and is responsible for the long term planning of MSD's Capital Program. Gary, would you please stand up and be recognized.

Mr. Moore stated said that his award was not a single person's award, but for all individuals he has worked with from supervisors to his peers and especially his team.

Item 20 on tonight's agenda is an agreement with Trailnet to participate in research associated with evaluating property rights related to Grant's Trail as part of the Gravois Trunk sewer project. This sewer project will allow the removal of sanitary sewer overflows along Gravois Creek in south St. Louis County. Construction of this trunk sewer has the potential to impact portions of the Grants Trail bike path.

The District's Rate Commission is charged with delivery of a rate report to the Board of Trustees by October 21st. This rate report will then be reviewed by District staff and the Board. The Charter provides for a 45-day waiting period while the report is considered. No action on the rate report itself can occur until after December 5th.

Item 33 on tonight's agenda is necessary to perform another revision to the District's tax ordinance. An obscure provision in the tax calculations that comes into play when a tax that has been voluntarily rolled back and is reinstated requires a 0.002% change in the District's stormwater tax. We were informed of the need for this change by the city tax assessor this week and have included it on tonight's agenda.

Mr. Theerman thanked Mr. Greg Rebman for his service to the District. Mr. Rebman stated that it was a privilege to work for such an outstanding organization.

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Mr. Sullivan address the Board and questioned the disparity in cost estimates for agenda the Northland Lateral sanitary relief project. Mr. Hoelscher responded that this was a supplemental appropriation and the work had been bid. Mr. Sullivan questioned why \$84,000 is being paid for an insurance consultant. Ms. Taylor-Edwards responded that it is more effective to pay an insurance broker a consulting fee versus a commission.

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Mr. Steve Lewis addressed the Board and indicated that his organization had additional comments related to the proposed M/WBE policy that will be provided at the upcoming Stakeholders meeting.

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CONSENT AGENDA

Mr. Berry requested that Proposed Ordinance No. 13312 be voted on separately.

ADOPTION OF PROPOSED ORD. NO. 13309 (ORDINANCE NO. 13309) MAKING A SUPPLEMENTAL APPROPRIATION OF \$2,000,000.00 FROM THE SANITARY REPLACEMENT FUND TO BE USED FOR PROJECT COSTS FOR INFRASTRUCTURE REPAIRS (SANITARY/COMBINED) (FY2012) (10663) IN THE CITY OF ST. LOUIS AND ST. LOUIS COUNTY, MISSOURI.

ADOPTION OF PROPOSED ORD. NO. 13310 (ORDINANCE NO. 13310) APPROPRIATING

\$153,000.00 FROM THE GRAVOIS CREEK OMCI FUND TO BE USED FOR PROJECT COSTS FOR THE CONSTRUCTION OF STORM SEWERS IN SOUTH KIRKWOOD ROAD #906 STORM SEWER REPLACEMENT (10758) IN KIRKWOOD, MISSOURI; AND AUTHORIZING THE EXECUTIVE DIRECTOR AND SECRETARY-TREASURER ON BEHALF OF THE METROPOLITAN ST. LOUIS SEWER DISTRICT TO ENTER INTO A CONTRACT WITH TAP UTILITIES, LLC FOR THE AFORESAID CONSTRUCTION.

ADOPTION OF PROPOSED ORD. NO. 13311 (ORDINANCE NO. 13311) MAKING A SUPPLEMENTAL APPROPRIATION OF \$2,700,000.00 FROM THE SANITARY REPLACEMENT FUND TO BE USED FOR PROJECT COSTS FOR THE CONSTRUCTION OF SANITARY SEWERS IN THE LEMAY WWTP WET WEATHER EXPANSION OUTFALL SEWER (10683), IN UNINCORPORATED ST. LOUIS COUNTY, MISSOURI; AND AUTHORIZING THE EXECUTIVE DIRECTOR AND SECRETARY-TREASURER ON BEHALF OF THE METROPOLITAN ST. LOUIS SEWER DISTRICT TO AMEND THE EXISTING CONTRACT WITH SAK CONSTRUCTION, LLC FOR THE CONSTRUCTION OF THE AFORESAID SANITARY SEWERS.

ADOPTION OF PROPOSED ORD. NO. 13313 (ORDINANCE NO. 13313) TRANSFERRING \$15,000.00 FROM THE IMPROVEMENT FUND TO THE GENERAL FUND, AND \$120,000.00 FROM THE IMPROVEMENT FUND TO THE SANITARY REPLACEMENT FUND, APPROPRIATING \$15,000.00 FROM THE GENERAL FUND, AND \$120,000.00 FROM THE SANITARY REPLACEMENT FUND TO BE USED FOR THE GENERAL SERVICES AGREEMENT – SEWER & CHANNEL DESIGN (FY2012) (SUPPLEMENTAL) CONTRACT B (10621) THROUGHOUT THE DISTRICT, AUTHORIZING THE DIRECTOR OF FINANCE TO MAKE TRANSFERS BETWEEN THE #101 GENERAL FUND AND THE #660 SANITARY REPLACEMENT FUND TO ACCOMMODATE THE APPROPRIATE ACCOUNTING, AND AUTHORIZING THE EXECUTIVE DIRECTOR AND SECRETARY-TREASURER ON BEHALF OF THE METROPOLITAN ST. LOUIS SEWER DISTRICT TO AMEND THE EXISTING CONTRACT WITH EDM INCORPORATED FOR GENERAL SERVICES AGREEMENT – SEWER & CHANNEL DESIGN (FY2012) (SUPPLEMENTAL) CONTRACT B (10621) FOR GENERAL ENGINEERING SERVICES AT VARIOUS LOCATIONS THROUGHOUT THE DISTRICT.

ADOPTION OF PROPOSED ORD. NO. 13314 (ORDINANCE NO. 13314) AUTHORIZING THE EXECUTIVE DIRECTOR AND SECRETARY-TREASURER TO LEASE CERTAIN REAL PROPERTY OF THE METROPOLITAN ST. LOUIS SEWER DISTRICT, LYING IN THE CITY OF ST. LOUIS, MISSOURI KNOWN AS A TRIANGULAR SHAPED PORTION OF THE RIVER DES PERES RIGHT OF WAY ADJACENT TO 7153 MARDEL TO LINDENWOOD PARK NEIGHBORHOOD ASSOCIATION, AND TO EXECUTE A LEASE AGREEMENT UPON THE CONDITIONS HEREINAFTER SET OUT.

Plan Approval

Edgewood Sanitary Relief (BP-592) (BP-301) (11112)

This project, located west of Interstate 170 and south of Natural Bridge Road in the City of Berkeley, is to alleviate sanitary sewer overflows due to overcharged mains and removal of two SSOs. This project is in the Fiscal Year 2012 Budget and the estimated construction cost is \$371,000.

Hardwick Court Channel Improvements and Sanitary Sewer Protection (MCMB-510) (10305)

This project, located south of Interstate 270 and east of West Florissant Avenue in unincorporated St. Louis County, is to protect a sanitary sewer and three residential properties from channel erosion. This project is in the Fiscal Year 2012 Budget and the estimated construction cost is \$755,000.

Nectar I/I Reduction (BP-290) (11111)

This project, located south of Interstate 270 and west of Bellefontaine Road in the City of Bellefontaine Neighbors, is to alleviate building backups and overcharged sanitary sewers, and remove a constructed SSO. This project is in the Fiscal Year 2012 Budget and the estimated construction cost is \$489,000.

Lemay WWTP Disinfection Facilities (10681)

This project, located on South Broadway at Hoffmeister Avenue in the Unincorporated St. Louis County, is to meet EPA and MDNR regulatory mandates requiring disinfection of effluent. This project is in the Fiscal Year 2012 Budget and the estimated construction cost is \$25,043, 000.

Motion made by Mr. Buford, seconded by Mr. Ross, that the Consent Agenda be adopted.

Motion passed – 6 ayes, no nays

Poll taken:	E. Ross	aye	D. Visintainer	aye
	J. Goffstein	aye	J. Buford	aye
	G. Feldhaus	aye	R. Berry	aye

ADOPTION OF PROPOSED ORD. NO. 13312 (ORDINANCE NO. 13312) TRANSFERRING \$55,000.00 FROM THE IMPROVEMENT FUND TO THE GENERAL FUND, AND \$80,000.00 FROM THE IMPROVEMENT FUND TO THE SANITARY REPLACEMENT FUND, APPROPRIATING \$55,000.00 FROM THE GENERAL FUND, AND \$80,000.00 FROM THE SANITARY REPLACEMENT FUND TO BE USED FOR THE GENERAL SERVICES AGREEMENT – SEWER & CHANNEL DESIGN (FY2012) (SUPPLEMENTAL) CONTRACT A (10620) THROUGHOUT THE DISTRICT, AUTHORIZING THE DIRECTOR OF FINANCE TO MAKE TRANSFERS BETWEEN THE #101 GENERAL FUND AND THE #660 SANITARY REPLACEMENT FUND TO ACCOMMODATE THE APPROPRIATE ACCOUNTING, AND AUTHORIZING THE EXECUTIVE DIRECTOR AND SECRETARY-TREASURER ON BEHALF OF THE METROPOLITAN ST. LOUIS SEWER DISTRICT TO AMEND THE EXISTING CONTRACT WITH DAVID MASON & ASSOCIATES, INC. FOR GENERAL SERVICES AGREEMENT – SEWER & CHANNEL DESIGN (FY2012) (SUPPLEMENTAL) CONTRACT A (10620) FOR GENERAL ENGINEERING SERVICES AT VARIOUS LOCATIONS THROUGHOUT THE DISTRICT.

Motion made by Mr. Buford, seconded by Mr. Visintainer, that Proposed Ord. No. 13312 be adopted.

Motion passed – 5 ayes, no nays, 1 abstain

Poll taken:	E. Ross	aye	D. Visintainer	aye
	J. Goffstein	aye	J. Buford	aye
	G. Feldhaus	aye	R. Berry	abstain

The Chair declared the Consent Agenda adopted.

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UNFINISHED BUSINESS

Ordinances

None

Resolutions

None

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NEW BUSINESS

Ordinances

INTRODUCTION OF PROPOSED ORD. NO. 13315 AUTHORIZING THE EXECUTIVE DIRECTOR AND SECRETARY-TREASURER ON BEHALF OF THE METROPOLITAN ST. LOUIS SEWER DISTRICT (“MSD”) TO ENTER INTO AN AGREEMENT WITH TRAILNET WHEREBY MSD AND TRAILNET WILL EVALUATE PROPERTY RIGHTS RELATED TO GRANT’S TRAIL AS PART OF THE GRAVOIS TRUNK (WHITECLIFF TO RDP) SANITARY RELIEF PROJECT (10496).

Proposed Ord. No. 13315 was presented and read. This ordinance authorizes the District to enter into an agreement with Trailnet, Inc.. Trailnet, Inc. is a non-profit organization that is the owner of a six-mile section of former railroad right-of-way, now being used as a recreational trail known as Grant’s Trail. St. Louis County (Parks) operates the trail under a long-term lease with Trailnet, Inc. The District is interested in utilizing the old railroad corridor as an alignment for a sewer project. Certain legal aspects need to be researched in order to assess the viability of using this corridor.

Motion made by Mr. Feldhaus, seconded by Mr. Visintainer that proposed Ord. No. 13315 be introduced.

Motion passed – 6 ayes, no nays

Poll taken:	J. Goffstein	aye	E. Ross	aye
	D. Visintainer	aye	J. Buford	aye
	G. Feldhaus	aye	R. Berry	aye

INTRODUCTION OF PROPOSED ORD. NO. 13317 APPROPRIATING \$275,000.00 FROM THE OPERATION, MAINTENANCE AND CONSTRUCTION IMPROVEMENT FUND OF GRAVOIS CREEK TO BE USED FOR PROJECT COSTS FOR SANITARY SEWER CONSTRUCTION AND CHANNEL STABILIZATION IN FILLMORE - ELLIOT BANK STABILIZATION (GCKC-130) (10002), IN THE CITY OF KIRKWOOD, MISSOURI; AND

AUTHORIZING THE EXECUTIVE DIRECTOR AND SECRETARY-TREASURER ON BEHALF OF THE METROPOLITAN ST. LOUIS SEWER DISTRICT TO ENTER INTO A CONTRACT WITH LANDESIGN, LLC FOR THE AFORESAID CONSTRUCTION.

Proposed Ord. No. 13317 was presented and read. The work to be done under Contract #10688 consists of the construction of approximately 347 lineal feet of pipe sewers varying in size from 6-inches to 18-inches in diameter, 193 square yards of rock lining, 109 square yards of grade control, 710 square yards of bank protection biostabilization, and appurtenances. The purpose of this project is to alleviate stream bank erosion to protect homes and sanitary sewers. This project is scheduled to be completed in 180 days.

Motion by Mr. Ross, seconded by Mr. Buford that proposed Ord. No. 13317 be introduced.

Motion passed – 6 ayes, no nays

Poll taken:	J. Goffstein	aye	G. Feldhaus	aye
	E. Ross	aye	D. Visintainer	aye
	J. Buford	aye	R. Berry	aye

INTRODUCTION OF PROPOSED ORD. NO. 13318 APPROPRIATING \$850,000.00 FROM THE OPERATION, MAINTENANCE AND CONSTRUCTION IMPROVEMENT FUND OF MALINE CREEK TO BE USED FOR PROJECT COSTS FOR CHANNEL STABILIZATION AND SEWER CONSTRUCTION IN HARDWICK COURT CHANNEL IMPROVEMENTS AND SANITARY SEWER PROTECTION (MCMB-510) (10305), IN UNINCORPORATED ST. LOUIS COUNTY, MISSOURI; AND AUTHORIZING THE EXECUTIVE DIRECTOR AND SECRETARY-TREASURER ON BEHALF OF THE METROPOLITAN ST. LOUIS SEWER DISTRICT TO ENTER INTO A CONTRACT WITH XL CONTRACTING, INC. FOR THE AFORESAID CONSTRUCTION.

Proposed Ord. No. 13318 was presented and read. The work to be done under Contract #10700 consists of the construction of approximately 422 square yards of bank protection – biostabilization, 870 square yards of composite revetment, 814 cubic yards of grade control channel, 384 square feet of retaining wall construction, 747 square yards of reinforced concrete channel, 142 lineal feet of 60-inch diameter sanitary sewers, and appurtenances. The purpose of this project is to protect a sanitary sewer and three residential properties from channel erosion. This project is scheduled to be completed in 150 days.

Motion by Mr. Visintainer, seconded by Mr. Feldhaus that proposed Ord. No. 13318 be introduced.

Motion passed – 6 ayes, no nays

Poll taken:	J. Goffstein	aye	G. Feldhaus	aye
	E. Ross	aye	D. Visintainer	aye
	J. Buford	aye	R. Berry	aye

INTRODUCTION OF PROPOSED ORD. NO. 13319 APPROPRIATING \$2,400,000.00 FROM THE SANITARY REPLACEMENT FUND TO BE USED FOR PUMP STATION IMPROVEMENTS IN INFRASTRUCTURE REPAIR #087P CAULKS CREEK "A" (P-750)

PHASE V (10655); IN THE CITY OF CHESTERFIELD, MISSOURI; AND AUTHORIZING THE EXECUTIVE DIRECTOR AND SECRETARY-TREASURER ON BEHALF OF THE METROPOLITAN ST. LOUIS SEWER DISTRICT TO ENTER INTO A CONTRACT WITH PLOCHER CONSTRUCTION COMPANY, INC., FOR THE AFORESAID CONSTRUCTION.

Proposed Ord. No. 13319 was presented and read. The work to be done under Contract #10704 consists of the construction of the replacement of three pumps and the Motor Control Center. This construction is the fifth phase of a multi-phase improvement program. The purpose of this project is to update mechanical and electrical components at the Caulks Creek Pump Station "A". This project is scheduled to be completed in 440 days.

Motion by Mr. Buford seconded by Mr. Feldhaus that proposed Ord. No. 13319 be introduced.

Motion passed – 6 ayes, no nays

Poll taken:	J. Goffstein	aye	G. Feldhaus	aye
	E. Ross	aye	D. Visintainer	aye
	J. Buford	aye	R. Berry	aye

INTRODUCTION OF PROPOSED ORD. NO. 13320 REPEALING ORDINANCE NO. 13256 ADOPTED JUNE 9, 2011, AND ENACTING A NEW ORDINANCE APPROPRIATING \$340,000.00 FROM THE OPERATION, MAINTENANCE AND CONSTRUCTION IMPROVEMENT FUND OF COLDWATER CREEK TO BE USED FOR PROJECT COSTS FOR THE CONSTRUCTION OF STORM SEWERS IN LINDSCOTT STORM SEWER (10307), IN THE CITY OF ST. JOHN, MISSOURI; AND AUTHORIZING THE EXECUTIVE DIRECTOR AND SECRETARY-TREASURER ON BEHALF OF THE METROPOLITAN ST. LOUIS SEWER DISTRICT TO ENTER INTO A CONTRACT WITH FRED M. LUTH & SONS, INC. FOR THE AFORESAID STORM SEWER CONSTRUCTION.

Proposed Ord. No. 13320 was presented and read. Ordinance No. 13256, which appropriated \$260,000 and authorized a contract for this project, is being repealed and replaced by this ordinance. The work to be done under Contract #10650 consists of the construction of approximately 1,315 lineal feet of pipe sewers varying in size from 6-inches to 24-inches in diameter and appurtenances. The purpose of this project is to alleviate structure and yard flooding. This project is scheduled to be completed in 240 days.

Motion by Mr. Feldhaus seconded by Mr. Visintainer that proposed Ord. No. 13320 be introduced.

Motion passed – 6 ayes, no nays

Poll taken:	J. Goffstein	aye	G. Feldhaus	aye
	E. Ross	aye	D. Visintainer	aye
	J. Buford	aye	R. Berry	aye

INTRODUCTION OF PROPOSED ORD. NO. 13321 APPROPRIATING \$1,900,000.00 FROM THE SANITARY REPLACEMENT FUND TO BE USED FOR PROJECT COSTS FOR THE CONSTRUCTION OF SANITARY SEWERS IN BAUMGARTNER & BLACK FOREST SANITARY REPLACEMENT PHASE I (10066), IN UNINCORPORATED ST. LOUIS COUNTY, MISSOURI; AND AUTHORIZING THE EXECUTIVE DIRECTOR AND SECRETARY-

TREASURER ON BEHALF OF THE METROPOLITAN ST. LOUIS SEWER DISTRICT TO ENTER INTO A CONTRACT WITH FRED M. LUTH & SONS, INC. FOR THE AFORESAID SANITARY SEWER CONSTRUCTION.

Proposed Ord. No. 13321 was presented and read. The work to be done under Contract #10687 consists of the construction of approximately 3,300 lineal feet of 8-inch to 24-inch diameter sanitary sewers and appurtenances. This construction is the first phase of a multi-phase improvement program. The purpose of this project is to alleviate sanitary backups, overflowing manholes, and overcharged sanitary sewers during wet weather events. This project is scheduled to be completed in 365 days.

Motion by Mr. Ross seconded by Mr. Feldhaus that proposed Ord. No. 13321 be introduced.

Motion passed – 6 ayes, no nays

Poll taken:	J. Goffstein	aye	G. Feldhaus	aye
	E. Ross	aye	D. Visintainer	aye
	J. Buford	aye	R. Berry	aye

INTRODUCTION OF PROPOSED ORD. NO. 13322 APPROPRIATING \$100,000.00 FROM THE SANITARY REPLACEMENT FUND TO BE USED FOR SANITARY SEWER CONSTRUCTION AT CHAI HOUSE PUMP STATION (P-747) ELIMINATION (10550), IN UNINCORPORATED ST. LOUIS COUNTY, MISSOURI; AND AUTHORIZING THE EXECUTIVE DIRECTOR AND SECRETARY-TREASURER ON BEHALF OF THE METROPOLITAN ST. LOUIS SEWER DISTRICT TO ENTER INTO A CONTRACT WITH J. H. BERRA CONSTRUCTION CO., INC. FOR THE CONSTRUCTION OF THE AFORESAID SEWERS.

Proposed Ord. No. 13322 was presented and read. The work to be done under Contract #10701 consists of the construction of approximately 433 lineal feet of 8-inch diameter sanitary sewers and appurtenances. The purpose of this project is to eliminate instead of rehabilitating a sanitary pump station. This project is scheduled to be completed in 120 days.

Motion by Mr. Feldhaus seconded by Mr. Ross that proposed Ord. No. 13322 be introduced.

Motion passed – 6 ayes, no nays

Poll taken:	J. Goffstein	aye	G. Feldhaus	aye
	E. Ross	aye	D. Visintainer	aye
	J. Buford	aye	R. Berry	aye

INTRODUCTION OF PROPOSED ORD. NO. 13323 APPROPRIATING \$195,000.00 FROM THE SANITARY REPLACEMENT FUND TO BE USED FOR PROJECT COSTS FOR THE CONSTRUCTION OF SANITARY SEWERS IN FOREST VALLEY ODOR CONTROL PHASE II (10606) IN UNINCORPORATED ST. LOUIS COUNTY, MISSOURI; AND AUTHORIZING THE EXECUTIVE DIRECTOR AND SECRETARY-TREASURER ON BEHALF OF THE METROPOLITAN ST. LOUIS SEWER DISTRICT TO ENTER INTO A CONTRACT WITH GERSHENSON CONST. CO., INC. FOR THE AFORESAID CONSTRUCTION.

Proposed Ord. No. 13323 was presented and read. The work to be done under Contract #10689 consists of the construction of approximately 1,662 lineal feet of force main pipe sewer 4-inches in diameter and appurtenances. The purpose of this project is to alleviate odor in the area from discharge of a force main from a low-pressure sewer system. This project is scheduled to be completed in 120 days.

Motion by Mr. Visintainer seconded by Mr. Feldhaus that proposed Ord. No. 13323 be introduced.

Motion passed – 6 ayes, no nays

Poll taken:	J. Goffstein	aye	G. Feldhaus	aye
	E. Ross	aye	D. Visintainer	aye
	J. Buford	aye	R. Berry	aye

INTRODUCTION OF PROPOSED ORD. NO. 13324 MAKING A SUPPLEMENTAL APPROPRIATION OF \$80,000.00 FROM THE SANITARY REPLACEMENT FUND TO BE USED FOR PROJECT COSTS FOR THE CONSTRUCTION OF SANITARY SEWERS IN NORTHLAND LATERAL SANITARY RELIEF (SKME-310) (2003110) IN THE CITIES OF JENNINGS AND FERGUSON AND UNINCORPORATED ST. LOUIS COUNTY, MISSOURI; AND AUTHORIZING THE EXECUTIVE DIRECTOR AND SECRETARY-TREASURER ON BEHALF OF THE METROPOLITAN ST. LOUIS SEWER DISTRICT TO AMEND THE EXISTING CONTRACT WITH XL CONTRACTING, INC., INC. FOR THE CONSTRUCTION OF THE AFORESAID SANITARY SEWERS.

Proposed Ord. No. 13324 was presented and read. The work to be done under Contract #10715 consists of the construction of approximately 3,270 lineal feet of pipe sewers varying in size from 12-inches to 18-inches in diameter and appurtenances. The purpose of this project is to alleviate basement backups and overcharged sewer mains and elimination of two sanitary sewer bypasses. This project is scheduled to be completed in 251 days.

Motion by Mr. Feldhaus seconded by Mr. Ross that proposed Ord. No. 13324 be introduced.

Motion passed – 6 ayes, no nays

Poll taken:	J. Goffstein	aye	G. Feldhaus	aye
	E. Ross	aye	D. Visintainer	aye
	J. Buford	aye	R. Berry	aye

INTRODUCTION OF PROPOSED ORD. NO. 13325 DECLARING THE NECESSITY FOR THE ACQUISITION OF AN EASEMENT AND TEMPORARY EASEMENTS IN CERTAIN REAL PROPERTY WITHIN THE METROPOLITAN ST. LOUIS SEWER DISTRICT FOR THE PURPOSE OF CONSTRUCTION OF SEWERS AND RELATED APPURTENANCES IN THE PROJECT KNOWN AS RIVERSIDE & YARNELL SANITARY RELIEF (SKME-400) 2006050 - 10146 TO SERVE THE NEEDS OF RESIDENTS OF THE AREA, AND AUTHORIZING THE ACQUISITION OF SAID EASEMENT AND TEMPORARY CONSTRUCTION EASEMENTS BY PURCHASE OR BY THE INSTITUTION OF CONDEMNATION PROCEEDINGS.

Proposed Ord. No. 13325 was presented and read. This ordinance authorizes the

staff to enter into condemnation proceedings for a permanent easement and a temporary construction easement on one (1) parcel of ground located in Fenton (St. Louis County), Missouri. This permanent easement and temporary construction easement is needed to construct this project, which consists of approximately 13,200 feet of 8-inch to 48-inch diameter sanitary sewers and appurtenances to eliminate basement backups and overcharged sanitary sewers. The easements have been appraised. Currently, the District has been unable to negotiate a settlement with the owner. This project is now tentatively scheduled to begin construction in Fiscal Year 2013.

Motion by Mr. Visintainer seconded by Mr. Feldhaus that proposed Ord. No. 13325 be introduced.

Motion passed – 6 ayes, no nays

Poll taken:	J. Goffstein	aye	G. Feldhaus	aye
	E. Ross	aye	D. Visintainer	aye
	J. Buford	aye	R. Berry	aye

INTRODUCTION OF PROPOSED ORD. NO. 13326 DECLARING THE NECESSITY FOR THE ACQUISITION OF AN EASEMENT AND TEMPORARY EASEMENTS IN CERTAIN REAL PROPERTY WITHIN THE METROPOLITAN ST. LOUIS SEWER DISTRICT FOR THE PURPOSE OF CONSTRUCTION OF SEWERS AND RELATED APPURTENANCES IN THE PROJECT KNOWN AS BROOKTON WAY TO MERAMEC BOTTOM ROAD SANITARY RELIEF PHASE II (2000083 - 10401) TO SERVE THE NEEDS OF RESIDENTS OF THE AREA, AND AUTHORIZING THE ACQUISITION OF SAID EASEMENT AND TEMPORARY EASEMENTS BY PURCHASE OR BY THE INSTITUTION OF CONDEMNATION PROCEEDINGS.

Proposed Ord. No. 13326 was presented and read. This ordinance authorizes the staff to enter into condemnation proceedings for a permanent sewer easement and temporary construction easements on one (1) parcel of ground located in St. Louis County, Missouri. These easements are needed to construct this project, which consists of approximately 5,600 feet of 8-inch to 30-inch diameter sanitary relief sewers from Meramec Bottom Road at I-55 north to Brookton Way and Greenton Way. This project is for sanitary sewer surcharging, overflows, and building backups due to an overcharged sanitary sewer. One (1) SSO Bypass will be eliminated. These easements have been appraised. Currently, the District has been unable to negotiate a settlement with the owners. This project is now tentatively scheduled to begin construction in Fiscal Year 2013.

Motion by Mr. Buford seconded by Mr. Feldhaus that proposed Ord. No. 13326 be introduced.

Motion passed – 6 ayes, no nays

Poll taken:	J. Goffstein	aye	G. Feldhaus	aye
	E. Ross	aye	D. Visintainer	aye
	J. Buford	aye	R. Berry	aye

INTRODUCTION OF PROPOSED ORD. NO. 13327 AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$39,769,300 PRINCIPAL AMOUNT OF SUBORDINATE WASTEWATER SYSTEM REVENUE BONDS (STATE OF MISSOURI – DIRECT LOAN PROGRAM) SERIES

2011A OF THE METROPOLITAN ST. LOUIS SEWER DISTRICT, FOR THE PURPOSE OF IMPROVING, RENOVATING, REPAIRING, REPLACING AND EQUIPPING THE DISTRICT'S WASTEWATER SYSTEM; PRESCRIBING THE FORM AND DETAILS OF THE BONDS AND THE AGREEMENTS MADE BY THE DISTRICT TO FACILITATE AND PROTECT THEIR PAYMENT; AND PRESCRIBING OTHER RELATED MATTERS.

Proposed Ord. No. 13327 was presented and read. This ordinance authorizing the second phase of funding through a direct loan agreement with the State of Missouri that will carry a serial 20 year repayment and a loan value of \$39,769,300 This loan will carry a fixed interest rate of 30% of the 25 municipal bond index at time of closing and will be used for the construction of specific projects at the Missouri River Treatment Plant Expansion and Disinfection project construction phase.

Motion by Mr. Ross seconded by Mr. Visintainer that proposed Ord. No. 13327 be introduced.

Motion passed – 6 ayes, no nays

Poll taken:	J. Goffstein	aye	G. Feldhaus	aye
	E. Ross	aye	D. Visintainer	aye
	J. Buford	aye	R. Berry	aye

INTRODUCTION AND ADOPTION OF PROPOSED ORD. NO. 13328 AUTHORIZING THE TRANSFER OF FUNDS TO THE GENERAL FUND FROM THE SANITARY REPLACEMENT FUND IN THE AMOUNT OF \$150,000.00; AND MAKING A SUPPLEMENTAL APPROPRIATION OF \$150,000.00 FROM THE GENERAL FUND TO BE USED FOR ST. LOUIS COMBINED SEWER OVERFLOWS (2001141).

Proposed Ord. No. 13328 was presented and read. It has been determined that adequate funding currently exists under the previous appropriation via Ordinance No. 12836 for the St. Louis Flood Protection System project, and that the FY2012 budgeted amount of \$150,000 for the St. Louis Flood Protection System project is not needed at this time. This \$150,000 budgeted amount is requested to be reallocated to become a supplemental appropriation to Ordinance No. 11441, to support another related effort with the Corps of Engineers, the St. Louis Combined Sewer Overflows Project.

Motion by Mr. Visintainer seconded by Mr. Feldhaus that proposed Ord. No. 13328 be introduced.

Motion made, seconded and unanimously adopted to suspend the rules to allow for adoption of proposed Ord. No. 13328.

Motion made by Mr. Buford, seconded by Mr. Visintainer that proposed Ord. No. 13328 be adopted.

Motion passed – 6 ayes, no nays

Poll taken:	J. Goffstein	aye	J. Buford	aye
	D. Visintainer	aye	R. Berry	aye
	E. Ross	aye	G. Feldhaus	aye

The Chair declared proposed Ord. No. 13328 adopted and it was assigned Ordinance No.

13328.

INTRODUCTION AND ADOPTION OF PROPOSED ORD. NO. 13329 AMENDING ORDINANCE NO. 13316, AS ADOPTED SEPTEMBER 28, 2011, BY REPEALING SECTION THREE AND ENACTING A NEW SECTION THREE IN LIEU THEREOF, PERTAINING TO DETERMINING THE AMOUNT OF TAXES WHICH SHALL BE LEVIED, ASSESSED, AND COLLECTED IN THE YEAR 2011 ON ALL TAXABLE TANGIBLE PROPERTY IN THE DISTRICT WITHIN THE CORPORATE LIMITS OF THE CITY OF ST. LOUIS AND ST. LOUIS COUNTY, RESPECTIVELY.

Proposed Ord. No. 13329 was presented and read. The action determines the amount of taxes, which shall be levied, assessed and collected in the year 2011 on all taxable tangible property in the District within the corporate limits of the City of St. Louis and St. Louis County respectively, and in its various Subdistricts.

Motion by Mr. Ross seconded by Mr. Visintainer that proposed Ord. No. 13329 be introduced.

Motion made, seconded and unanimously adopted to suspend the rules to allow for adoption of proposed Ord. No. 13329.

Motion made by Mr. Feldhaus, seconded by Mr. Visintainer that proposed Ord. No. 13329 be adopted.

Motion passed – 6 ayes, no nays

Poll taken:	J. Goffstein	aye	J. Buford	aye
	D. Visintainer	aye	R. Berry	aye
	E. Ross	aye	G. Feldhaus	aye

The Chair declared proposed Ord. No. 13329 adopted and it was assigned Ordinance No. 13329.

Resolutions

ADOPTION OF RESOLUTION NO. 2992 ORDINANCE NO. 12936 ADOPTED AUGUST 13, 2009, AUTHORIZED THE EXECUTIVE DIRECTOR AND SECRETARY-TREASURER ON BEHALF OF THE METROPOLITAN ST. LOUIS SEWER DISTRICT TO ENTER INTO A CONTRACT WITH MCGRIFF, SEIBELS, & WILLIAMS OF MISSOURI, INC. TO SERVE AS THE DISTRICT'S BROKER OF RECORD AND PROVIDE OTHER SERVICES FOR THE DISTRICT'S INSURANCE PROGRAM. **(HELD)**

Resolution No. 2992 was presented and read.

ADOPTION OF RESOLUTION NO. 2990 EXPRESSING THE BOARD OF TRUSTEES' APPRECIATION TO MILTON GRASLE FOR HIS 14 YEARS OF EXEMPLARY SERVICE TO THE METROPOLITAN ST. LOUIS SEWER DISTRICT FROM MAY 5, 1997, TO HIS RETIREMENT EFFECTIVE OCTOBER 1, 2011.

Resolution No. 2990 was presented and read.

ADOPTION OF RESOLUTION NO. 2991 EXPRESSING THE BOARD OF TRUSTEES' APPRECIATION TO GREGORY M. REBMAN FOR HIS 7 YEARS OF EXEMPLARY SERVICE TO THE METROPOLITAN ST. LOUIS SEWER DISTRICT FROM DECEMBER 1, 2003, TO HIS RETIREMENT EFFECTIVE OCTOBER 1, 2011.

Resolution No. 2991 was presented and read.

Motion made by Mr. Berry, seconded by Mr. Visintainer that Resolution Nos. 2990 and 2991 be adopted.

Motion passed – voice vote; 6 ayes, no nays

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Upon motion made Mr. Buford, seconded by Mr. Goffstein, and unanimously passed, the meeting adjourned at 5:35 p.m.

Secretary-Treasurer