

JOURNAL OF THE (1511th) MEETING OF THE
BOARD OF TRUSTEES
THE METROPOLITAN ST. LOUIS SEWER DISTRICT
January 12, 2012 – 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, V. Chair
J. H. Goffstein
G.T. Feldhaus (excused)
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 Ed Sweet, Parsons; John Choinka, GBA; William Ray, St. Louis County; Columbus Durham, Local 110; Robert Bella, HDR; Marvin Sanders, CDC; Marc Eshelman, M3 Engineering; Jason Murphy; Don Willey, Laborers 110; Eric Cowan, BoA Merrill Lynch; Stephen Gregali, City of St. Louis; Steve Cauley, EMLDC Laborers; Steven MacDonald, LIUNA 110; Steven Ortiz, Laborer 110; Don Curds, HDR; Michael Borgard, Woolpert; John Kindschuh, MIEC; DeVonte Mullins, AGC; Steve Lewis, AGC; Nicole Young, CDM; Anil Moore, Laborers 110; Lisa Langeneckert, BJH; Rebecca Losli, Losli Engineering; Bobby Goff; Ronny Griffin, Laborers Local 110; David Cavendar, Horner & Shifrin; Valerie Patton, SLBDI; Jim Coll, Jacobs; Todd Loretta, MSD; Carol Willis, MSD; Mike Gindler, MSD; Marie Collins, Asst. Director of Engineering; Barb Mohn, Director of Information Systems; Vicki Taylor-Edwards, 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. Ross, seconded by Mr. Visintainer, that the Board go into closed session to discuss legal, confidential or privileged matters under §610.021(1), RSMO 1988 SUPP.; leasing, purchase or sale of real estate under §610.021(2).

Motion passed – 5 ayes, no nays

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

During closed session staff updated the Board on the legal strategy related to the Consent Decree to settle the lawsuit with the US EPA and US Department of Justice pursuant to to§610.021(1), RSMO 1988 SUPP. No votes were taken on this matter. The Board was also discussed and voted to approve the purchase of a property located at 909 South Taylor in the City of Kirkwood for \$69,000 plus administrative expenses associated with closing.

Motion by Mr. Visintainer seconded by Mr. Berry that the purchase of property located at 909 South Taylor be introduced.

Motion made, seconded and unanimously adopted to suspend the rules to allow for adoption of proposed purchase.

Motion made by Mr. Visintainer, seconded by Mr. Berry that the purchase of property located at 909 South Taylor be adopted.

Motion passed – 5 ayes, no nays

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

Motion made by Mr. Visintainer, seconded by Mr. Berry, to reconvene into open session.

Motion passed – 5 ayes, no nays

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

Upon motion made by Mr. Visintainer, seconded by Mr. Ross, the Journal of the December 8, 2011 meeting was approved by unanimous voice vote.

The Chair had no comments.

Mr. Buford reported that the Finance Committee met on January 10, 2012. In attendance were Trustees Berry, Buford, and Visintainer. The Committee approved minutes from the December 6, 2011 meeting.

Mr. Tyminski presented the proposed changes to the District's Public Funds

Investment Policy. The proposed changes are designed to reduce the exposure associated with commercial paper and bankers acceptances asset classes from 30% to 25%. The policy changes will also set the minimum percentage of US Treasury securities allowable in the investment portfolio at 5%, and limit Federal Agency securities to 60%. The new investment policy also defines the requirements for monitoring the issuers of commercial paper and bankers acceptances held in MSD's portfolio. This monitoring will be accomplished by tracking multiple internet sources acknowledged by the investment industry. Investment portfolio reports are available on the MSD website. This is item #35 on tonight's agenda.

Mr. Tyminski reported sections of Ordinance 12010, which authorizes the selection of depository banks and securities dealers, has become obsolete due the increased use of Web based reporting, changes in banking technology and the flattening of the District's organizational structure. A new Ordinance will be introduced at the February Board meeting updating these sections. Updated resolutions will also be brought forward in February to allow the District to utilize banks outside the St. Louis area, clarify acceptable types of collateral, security dealers and required signatories.

Mr. Tyminski reported to the Committee that banking changes are needed to accommodate claims processing with CIGNA, the District's new health care provider. Options are being explored to assure the banks used to facilitate this processing meet Charter and Ordinance requirements.

Mr. Tyminski outlined the District's participation in the State's \$10 million Energize Missouri Water Loan Program. The Missouri Department of Natural Resources anticipates awarding MSD \$250,000 at a 2.5% interest rate for eligible projects. The loan will cover the cost of \$223,000 in energy saving projects at the Market Street location resulting in a savings of \$36,000. The introduction and adoption authorizing the District to enter into the program is Item #34 on tonight's agenda.

Mrs. Zimmerman presented the November 2011 Adjustment Review Committee report as required by ordinance. The Committee accepted the report into the record. She also reported on the financial condition of the District and indicated the overall assessment continued as sound.

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Mr. Visintainer reported that the January 4, 2012 at 7:30 a.m. The meeting was attended by Trustee Visintainer.

The minutes of the November 29, 2011 meeting were approved.

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

Items 21 & 22 – CCTV Inspection North and South – This is the second of three option years for these contracts. These contracts support watershed planning efforts and provide information for design projects. Together these two contracts will result in the investigation of approximately 200 miles of sewer. Together with the CCTV work performed by the Operations Department, these contracts also assist in meeting the proposed consent decree requirement to investigate 400 miles of sewer in calendar year 2012.

Item 23 – Bissell WWTP Disinfection – This ordinance will provide for the construction of disinfection facilities at the Bissell Wastewater Treatment Plant. These facilities must go on line by December 31, 2013 in order to meet current regulatory requirements.

Item 24 – Infrastructure Repairs (Rehabilitation) – This is the first of three projects scheduled within the \$15 million capital budget. With this contract, MSD will have under contract approximately \$28 million of the \$30 million in rehabilitation required by the proposed consent decree to be completed between January 1, 2011 and December 31, 2013.

Item 25 – Missouri River WWTP Secondary Expansion – This is the second of three scheduled annual appropriations for this project. Funding for this appropriation comes through the State SRF program. \$17 million is currently programmed in FY2013 for completion of this project. Staff indicated that the project is 18% complete and is currently scheduled to stay within budget.

Item 28 – CSO Macklind Outfall – Staff is requesting an additional \$100,000 for this project. The current projections are for this project to fall just within budget. However, once the tunneling work on this project starts in March, staff will have insufficient time to request additional funds from the Board if needed without incurring significant delay costs. These additional funds will be used only if needed and any remaining funds will be returned to the Sanitary Replacement Fund. Staff reviewed the details of this project with the Committee.

Item 29 – Deer Creek Watershed Consultant – This ordinance will approve the first year of a multi-year contract to provide engineering services to address regulatory issues in the Deer Creek Watershed. This ordinance also provides funding for cost plus work as well as lump sum engineering work under this contract. Staff discussed details about this contract and answered questions from the Committee regarding MWBE utilization, the use of MSD audited and approved overhead rates for this contract, the fee to be charged for this project, the specific work orders outlined in the project write-up, and plans for future extensions of this contract.

Item 30 – DC-06 Phase III – This ordinance appropriates funds for a lump sum design project to be performed under the Deer Creek Watershed Consultant contract. This project will result in the elimination of three constructed overflows. Together with the Deer Creek Watershed contract, the total MWBE participation is 29.6%. As requested by the Committee, staff will present consolidated statistics on MWBE utilization with every annual renewal of each Watershed contract.

Item 31 – Lower & Middle River Des Peres Improvements – This ordinance will approve the first year of a multi-year contract to provide engineering services to address regulatory issues in the River Des Peres Watershed. This ordinance also provides funding for cost plus work as well as lump sum engineering and project design work under this contract. Staff discussed details about this contract and answered questions from the Committee regarding MWBE utilization, the use of MSD audited and approved overhead rates for this contract, the fee to be charged for this project, the specific work orders outlined in the project write-up, and plans for future extensions of this contract.

Item 33 – McKelvey Project “A” and “B” Condemnation – Staff is requesting the ability to use condemnation if needed to acquire the easement rights for this project. This project will result in the removal of three constructed overflows. Staff reviewed the status of negotiations on the six properties and informed the Committee that the property owners involved were notified that this action would be discussed at tonight’s meeting. As always, staff will continue negotiating to try and resolve all issues. The Committee recommended that this ordinance be forwarded to the Board for consideration.

Staff then reviewed those portions of Chapter 8 of the Missouri Revised Statutes regarding contracts for engineering services. Staff outlined how the District's Selection Policy follows the State requirements to select a consultant based on qualifications and then to negotiate a fair and reasonable price for the services. As allowed by this Statute, MSD by policy also includes MWBE utilization in its evaluation process.

Finally, staff informed the Committee that MSD would present the anticipated engineering services to be required in the Fy2013 Capital Program to the engineering community at 3:00 p.m. on Tuesday, January 17, 2012 at the Engineers' Club of St. Louis. Board members are invited to attend.

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

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Mr. Goffstein reported that the Stakeholder Relations Committee met on January 10, 2012, at 8:15 a.m. In attendance were Trustees Goffstein, Berry and Visintainer.

First was a discussion regarding amending the Ordinance, which placed the Bond Authorization election on the ballot in February 2012. It has been requested to change the election to the June 2012 ballot, which would require filing by March 24, 2012. The request was granted by the Trustees for introduction at the January 2012 Board meeting. This is Item #20 on tonight's Agenda.

Next was a discussion regarding the proposed Charter Plan Amendments. Mr. Theerman summarized recommended amendments for all twelve Articles of the Plan. He confirmed the Trustees' suggestions as to which amendments to consider and which to defer. After consideration, the Committee recommended accepting all proposed amendments offered by the Plan Amendment Commission, with the exception of eliminating the Professional Engineering License requirement for the Executive Director. Mr. Theerman indicated a report would be presented at next month's Board meeting with suggestions on how to proceed and introduce for balloting purposes.

Finally, Mr. LeComb reviewed the finalization of our contract with the Audubon Society and the educational and pilot programs that are being funded by our mutual agreement. It was agreed by the Trustees to introduce the contract at next month's Board meeting.

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The Executive Director reported that Item 37 on tonight's agenda is a Board Resolution thanking Ms. Valerie Patton for her service on the District's Civil Service Commission. Valerie is with us tonight and I would ask that she come forward at this time so that I can present her with a copy of the Board's resolution.

MSD stays involved in the creation of regulations that affect the District. In fact, this is a specific strategy in the District's Strategic Plan. Our involvement is essential to assure that regulations will actually yield the desired outcome and that the costs of regulatory action are considered. Each year the Engineering Department creates a report on our regulatory

participation efforts with the Missouri Department of Natural Resources. I asked John Lodderhose to briefly share with the Board our efforts over the past year.

Mr. Lodderhose stated that members of the Environmental Compliance group attends dozens of meetings and participates in various stakeholder groups to make sure the regulatory issues are correct and good science is used, and that the District's interests are protected. His staff also testifies about changes in procedures and regulations. Most of the efforts in the past year were directed towards water quality issues. In December 2011, Missouri DNR proposed substantial changes to the water quality standards. Certain items such as the classification for water quality purposes of the Mississippi River zones could have a huge cost impact to MSD and the community.

I am pleased to report the District has once again received the award for Excellence in Financial Reporting from the Government Finance Officers Association. This award for 2010 represents the 23rd consecutive year the District has received this recognition. In order to receive this award, a government entity must satisfy stringent, nationally recognized, GFOA guidelines. This award represents the highest available form of recognition for governmental financial reporting. I would like to take this opportunity to thank and commend Kathleen Langevin ("LON-GE-VIN) MSD's Accounting Manager and Mike Gindler, MSD's Assistant Accounting Manager for this outstanding achievement.

In August of last year, the Department of Justice and Environmental Protection Agency announced an agreement that would bring to a close a lawsuit brought against MSD over four years ago. This agreement calls upon the District to implement sewer improvements throughout the City of St. Louis and St. Louis County with an estimated cost of \$4.7 billion over the next 23 years. While the vast majority of this work will be out of sight, and, thus, out of the day-to-day thoughts of St. Louisans, make no mistake, this agreement will be felt in our region for decades to come. From the creation of jobs, to the protection of our region's waterways, to preventing basement backups, the agreement, and the resulting spending, will be unparalleled in terms of its scope and reach. While this program cannot equally be all things to all people, it can certainly serve as a catalyst for change in our community.

For much of 2011, the Board of Trustees and District staff has been engaged in a dialogue amongst themselves and with various stakeholders about the next steps to continue the process of improving MSD's diversity programs. While MSD is proud of the diversity program we have today, we by no means claim perfection and we have gone on record over the past year that additional continuous improvements can and should be made. As we begin an unparalleled construction program, we should strive to have an unparalleled program of inclusion for minorities, women, and disadvantaged businesses. Not just in terms of contracts alone, but in terms of workforce diversity as well. In short, the old way of doing business in our region needs to change and MSD is in a position to help with that change.

A sewer district is not the ideal institution from which to create wide-reaching public policy. However, the agreement that we reached with the Federal government is a reality, and with it, comes great responsibility. When it comes to diversity and inclusion, MSD will not be able to right every wrong made in the history of St. Louis. But MSD can help create the path forward – a path that isn't just about numbers, but about substance. A path that brings benefit to the entire region.

Over the next several weeks, MSD is going to take the following three actions:

- First, we plan to hold a special board meeting later this month to introduce an ordinance for a disparity study. District staff is presently reviewing six

proposals received for this work. It is our intention to introduce a contract for these services later in the month with an adoption scheduled for the February Board meeting.

- Second, Dr. Berry, MSD's Board Chair, has instructed staff to revisit the possibility of interim changes to MSD's MWBE policy while the disparity study is being conducted. Specifically, staff will use an amendment proposed by Trustee Visintainer at the December Board meeting as the basis for crafting interim improvements to our MWBE program that can be utilized until the disparity study is complete. Staff will use input from various stakeholders to develop a new resolution and plans to present it to Trustees for consideration at the February Board meeting.
- Third, the District strongly desires to continue the MWBE dialogue. Our goal is to engage a wide variety of stakeholders on how we can improve our inclusion policies over the coming months, thereby creating a model diversity program. While it was the Board's determination in December that the final goals for various aspects of our MWBE program be based on the findings of the disparity study, there are many potential improvements that have been raised and should be considered. We anticipate an ongoing dialog with various parties in this effort. Thus, over the next several weeks, we will take steps to formalize a method of communication with various stakeholders' to continue the 2011 dialogue.

We know that some will view my words tonight as simply that – words that are not associated with action. However, by making these statements tonight, there is a public record of these commitments, and, over the coming weeks, there will be associated action. We also recognize that many parties listening to my remarks tonight may be uncomfortable with the path being described. I invite you to engage in a meaningful and constructive dialogue as part of the stakeholder process. To make this work, all perspectives must be considered.

I will not claim that we will be perfect in our process or in executing what I have described. We will however, continue to work for an inclusion program that is consistent with the needs of the community and the legal requirements facing the District. It will be incumbent upon each of us to work to understand various viewpoints surrounding this issue and to develop workable solutions to the problems we face. Our goal is to develop a program that will benefit our region and all St. Louisans.

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The Public had no comment.

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CONSENT AGENDA

ADOPTION OF PROPOSED ORD. NO. 13350 APPROPRIATING \$171,000.00 FROM THE OPERATION, MAINTENANCE AND CONSTRUCTION IMPROVEMENT FUND OF NORTH KINLOCH TO BE USED FOR PROJECT COSTS FOR THE CONSTRUCTION OF STORM

SEWERS IN MABLE AVE. AND CARSON ROAD STORM SEWER (10698), IN THE CITY OF KINLOCH, 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 CONST. CO., INC. FOR THE CONSTRUCTION OF THE AFORESAID STORM SEWERS.

ADOPTION OF PROPOSED ORD. NO. 13351 APPROPRIATING \$125,000.00 FROM THE OPERATION, MAINTENANCE AND CONSTRUCTION IMPROVEMENT FUND OF COLDWATER CREEK TO BE USED FOR PROJECT COSTS FOR THE CONSTRUCTION OF STORM SEWERS IN WHITE BIRCH WAY – QUEEN ANN DRIVE STORM SEWER (10797), IN THE CITY OF HAZELWOOD, 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 CONST. CO., INC. FOR THE AFORESAID STORM SEWER CONSTRUCTION.

ADOPTION OF PROPOSED ORD. NO. 13352 TRANSFERRING \$110,000.00 FROM THE SANITARY REPLACEMENT FUND TO THE GENERAL FUND AND APPROPRIATING \$110,000.00 FROM THE GENERAL FUND FOR ENGINEERING SERVICES FOR THE FINAL DESIGN OF RADAR RAINFALL DATA (FY2012) (10743) AND AUTHORIZING THE EXECUTIVE DIRECTOR AND SECRETARY TREASURER ON BEHALF OF THE METROPOLITAN ST. LOUIS SEWER DISTRICT TO ENTER IN CONTRACT 10603 WITH VIEUX AND ASSOCIATES, INC. FOR THE AFORESAID ENGINEERING SERVICES.

ADOPTION OF PROPOSED ORD. NO. 13353 APPROPRIATING \$700,000.00 FROM THE SANITARY REPLACEMENT FUND TO BE USED FOR PROJECT COSTS FOR THE REHABILITATION OF SANITARY SEWERS IN DELLWOOD SANITARY TRUNK SEWER REHABILITATION (11055) IN 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 INSITUFORM TECHNOLOGIES USA, INC. FOR THE REHABILITATION OF THE AFORESAID SANITARY SEWERS.

ADOPTION OF PROPOSED ORD. NO. 13354 APPROPRIATING \$210,000.00 FROM THE SANITARY REPLACEMENT FUND TO BE USED FOR PROJECT COSTS FOR THE CONSTRUCTION OF SANITARY SEWERS IN GRAND GLAIZE LAGOON WET WEATHER STORAGE IMPROVEMENTS (11113), IN THE CITY OF VALLEY PARK, MISSOURI; AND AUTHORIZING THE EXECUTIVE DIRECTOR AND SECRETARY-TREASURER ON BEHALF OF THE METROPOLITAN ST. LOUIS SEWER DISTRICT TO ENTER INTO A CONTRACT WITH ESSEX CONTRACTING, INC. FOR THE AFORESAID SANITARY SEWER CONSTRUCTION.

ADOPTION OF PROPOSED ORD. NO. 13355 APPROPRIATING \$400,000.00 FROM THE SANITARY REPLACEMENT FUND TO BE USED FOR PROJECT COSTS FOR THE LEMAY WWTP MAINTENANCE BUILDING STRUCTURAL REPAIR (10682), 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 TARLTON CORPORATION FOR THE AFORESAID SANITARY SEWER CONSTRUCTION.

ADOPTION OF PROPOSED ORD. NO. 13356 APPROPRIATING \$600,000.00 FROM THE OPERATION, MAINTENANCE AND CONSTRUCTION IMPROVEMENT FUND OF COLDWATER CREEK TO BE USED FOR PROJECT COSTS FOR BANK STABILIZATION IN COLDWATER CREEK AT LYNN TOWN BANK STABILIZATION (10284), IN THE CITY OF

BRECKENRIDGE HILLS, MISSOURI; AND AUTHORIZING THE EXECUTIVE DIRECTOR AND SECRETARY-TREASURER ON BEHALF OF THE METROPOLITAN ST. LOUIS SEWER DISTRICT TO ENTER INTO A CONTRACT WITH IDEAL LANDSCAPE GROUP FOR THE AFORESAID BANK STABILIZATION.

ADOPTION OF PROPOSED ORD. NO. 13357 AUTHORIZING THE EXECUTIVE DIRECTOR AND SECRETARY-TREASURER ON BEHALF OF THE METROPOLITAN ST. LOUIS SEWER DISTRICT TO ENTER INTO AN AGREEMENT WITH THE UNITED STATES ARMY CORPS OF ENGINEERS TO PROVIDE THE DISTRICT WITH AERIAL LIDAR DATA ACQUISITION AND PROCESSING SERVICES FOR AN AREA OF ST. LOUIS COUNTY AND CITY, MISSOURI. (INTRO. 12/08/11)

Plan Approval

Clayridge - Brandy Sanitary Relief (11099)

This project, located east of Interstate 55 and north of Butler Hill Road in unincorporated St. Louis County, is to alleviate sanitary sewer backups due to insufficient sewer capacity. This project is in the Fiscal Year 2012 Budget and the estimated construction cost is \$228,000.

Coldwater Treatment Plant Disinfection Facilities (10558)

This project, located Old Halls Ferry Road south of Lindbergh Boulevard in 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 \$6,387,000.

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

Motion passed – 5 ayes, no nays

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

The Chair declared the Consent Agenda adopted.

UNFINISHED BUSINESS

Ordinances

Amendment and adoption of proposed Ord. No. 13330 calling a bond election to be held on June 5, 2012 in the Metropolitan St. Louis Sewer District on the proposition whether to issue \$945,000,000.00 principal amount of sewer revenue bonds.

Motion by Mr. Buford seconded by Mr. Ross that proposed Ord. No. 13330 be introduced.

Motion made, seconded and unanimously adopted to suspend the rules to allow for adoption of proposed Ord. No. 13330.

Motion made by Mr. Visintainer, seconded by Mr. Ross that proposed Ord. No. 13330 be adopted.

Motion passed – 5 ayes, no nays

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

Resolutions

None

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NEW BUSINESS

Ordinances

INTRODUCTION OF PROPOSED ORD. NO. 13358 TRANSFERRING \$1,500,000.00 FROM THE SANITARY REPLACEMENT FUND TO THE GENERAL FUND, AND APPROPRIATING \$1,500,000.00 FROM THE GENERAL FUND TO BE USED FOR CCTV INSPECTION AND PHYSICAL INSPECTION OF SEWERS – NORTH (FY2012) (10376), AUTHORIZING THE DIRECTOR OF FINANCE TO MAKE TRANSFERS BETWEEN THE SANITARY REPLACEMENT FUND AND THE GENERAL FUND TO ACCOMMODATE THE APPROPRIATE ACCOUNTING, AND AUTHORIZING THE EXECUTIVE DIRECTOR AND SECRETARY-TREASURER ON BEHALF OF THE METROPOLITAN ST. LOUIS SEWER DISTRICT TO ENTER INTO AMENDMENT NO. 7 TO CONTRACT NO. 10615 WITH ADS ENVIRONMENTAL SERVICES, LLC FOR CCTV INSPECTION AND PHYSICAL INSPECTION OF SEWERS - NORTH (FY2012) (10376).

Proposed Ord. No. 13358 was presented and read. The work to be done under Contract #10615 authorizes the District to enter into contract Amendment No. 7 for the second option year with ADS Environmental Services, LLC. The purpose of this contract is to provide District staff with information regarding sewer conditions by the use of Closed Circuit Television (CCTV) and physical inspection. These inspections will determine sewer conditions and system defects and will form the basis for preventative maintenance activities, inflow/infiltration investigations, and sewer system models. This contract amendment for CCTV Inspection and Physical Inspection of Sewers – North is for \$1,500,000. Approximately 80% of the CCTV investigations will provide support data for the Watershed Planning efforts and the remaining 20% will support specific design projects and miscellaneous requests. It is anticipated that the existing contract balance will be expended by March 2012. Currently, there is a backlog of unassigned work tasks totaling 950,000 feet to be addressed by this and future actions.

Motion made by Mr. Berry, seconded by Mr. Buford that proposed Ord. No. 13358 be introduced.

Motion passed – 5 ayes, no nays

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

INTRODUCTION OF PROPOSED ORD. NO. 13359 TRANSFERRING \$1,500,000.00 FROM THE SANITARY REPLACEMENT FUND TO THE GENERAL FUND, AND APPROPRIATING \$1,500,000.00 FROM THE GENERAL FUND TO BE USED FOR CCTV INSPECTION AND PHYSICAL INSPECTION OF SEWERS – SOUTH (FY2012) (10377), AUTHORIZING THE DIRECTOR OF FINANCE TO MAKE TRANSFERS BETWEEN THE SANITARY REPLACEMENT FUND AND THE GENERAL FUND TO ACCOMMODATE THE APPROPRIATE ACCOUNTING, AND AUTHORIZING THE EXECUTIVE DIRECTOR AND SECRETARY-TREASURER ON BEHALF OF THE METROPOLITAN ST. LOUIS SEWER DISTRICT TO ENTER INTO AMENDMENT NO. 4 TO CONTRACT NO. 10616 WITH ACE PIPE CLEANING, INC. FOR CCTV INSPECTION AND PHYSICAL INSPECTION OF SEWERS - SOUTH (FY2012) (10377).

Proposed Ord. No. 13359 was presented and read. The work to be done under Contract #10616 authorizes the District to enter into contract Amendment No. 4 for the second option year with Ace Pipe Cleaning, Inc. The purpose of this contract is to provide District staff with information regarding sewer conditions by the use of Closed Circuit Television (CCTV) and physical inspection. These inspections will determine sewer conditions and system defects and will form the basis for preventive maintenance activities, inflow/infiltration investigations, and sewer system models. This contract amendment for CCTV Inspection and Physical Inspection of Sewers – South is for \$1,500,000. Approximately 80% of the CCTV investigations will provide support data for the Watershed Planning efforts and the remaining 20% will support specific design projects and miscellaneous requests. The remaining existing contract balance has been assigned to work tasks. It is anticipated that the balance will be expended by May 2012. Currently, there is a backlog of unassigned work totaling 900,000 feet that will be addressed by this and future actions.

Motion by Mr. Berry, seconded by Mr. Buford that proposed Ord. No. 13359 be introduced.

Motion passed – 5 ayes, no nays

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

INTRODUCTION OF PROPOSED ORD. NO. 13360 APPROPRIATING \$17,000,000.00 FROM THE SANITARY REPLACEMENT FUND TO BE USED FOR WASTEWATER TREATMENT PLANT CONSTRUCTION AT BISSELL WWTP DISINFECTION FACILITIES (10325), IN THE CITY OF ST. LOUIS, MISSOURI; AND AUTHORIZING THE EXECUTIVE DIRECTOR AND SECRETARY-TREASURER ON BEHALF OF THE METROPOLITAN ST. LOUIS SEWER DISTRICT TO ENTER INTO A CONTRACT WITH GOODWIN BROS. CONST. CO. FOR THE AFORESAID SANITARY SEWER CONSTRUCTION.

Proposed Ord. No. 13360 was presented and read. The work to be done under Contract #10726 consists of the construction of chlorination and dechlorination facilities, effluent pump VFD system, and all associated civil, structural, mechanical, electrical, and instrumentation installations. The purpose of this project is to meet EPA and MDNR regulatory mandates requiring disinfection of effluent. This project is scheduled to be completed in 470 days.

Motion by Mr. Berry, seconded by Mr. Visintainer that proposed Ord. No. 13360 be introduced.

Motion passed – 5 ayes, no nays

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

INTRODUCTION OF PROPOSED ORD. NO. 13361 APPROPRIATING \$7,900,000.00 FROM THE SANITARY REPLACEMENT FUND TO BE USED FOR PROJECT COSTS FOR THE REHABILITATION OF SANITARY SEWERS IN INFRASTRUCTURE REPAIRS (REHABILITATION) (FY2012 CONTRACT A) (10665) IN THE COUNTY OF ST. LOUIS, MISSOURI; AND AUTHORIZING THE EXECUTIVE DIRECTOR AND SECRETARY-TREASURER ON BEHALF OF THE METROPOLITAN ST. LOUIS SEWER DISTRICT TO ENTER INTO A CONTRACT WITH SAK CONSTRUCTION, LLC FOR THE AFORESAID REHABILITATION.

Proposed Ord. No. 13361 was presented and read. The work to be done under Contract #10728 consists of the construction of the rehabilitation of approximately 231,424 lineal feet of sewers using cured-in-place pipe (CIPP) methods, varying in size from 6-inches to 42-inches in diameter. The purpose of this project is to rehabilitate older, damaged, and deteriorated sewers to reduce pipe collapses, blocked mains, and inflow/infiltration. This project is scheduled to be completed in 365 days.

Motion by Mr. Visintainer seconded by Mr. Buford that proposed Ord. No. 13361 be introduced.

Motion passed – 5 ayes, no nays

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

INTRODUCTION OF PROPOSED ORD. NO. 13362 APPROPRIATING \$39,769,300.00 FROM THE SANITARY REPLACEMENT FUND TO BE USED FOR PROJECT COSTS FOR THE CONSTRUCTION OF THE MISSOURI RIVER WWTP SECONDARY TREATMENT EXPANSION AND DISINFECTION FACILITIES (10710), IN THE CITY OF MARYLAND HEIGHTS, MISSOURI UNDER CONTRACT NO. 10597 AS APPROVED BY ORDINANCE NO. 13220, ADOPTED MARCH 10, 2011.

Proposed Ord. No. 13362 was presented and read. The work to be done under Contract #10597 consists of the construction of a low lift pump station, aeration basins, a blower

building, six final clarifiers, a sludge pumping station, a solids handling building, an ultraviolet radiation disinfection facility, a new primary digester, demolition of existing buildings, trickling filters and final clarifiers, and other miscellaneous items including yard piping and structures associated with this work. This construction is the second phase of a two-phase improvement program. The purpose of this project is to increase wet weather peak flow capacity and to meet more stringent MDNR discharge requirements for secondary treatment and disinfection of effluent. This project is scheduled to be completed in 1,214 days.

Motion by Mr. Visintainer seconded by Mr. Buford that proposed Ord. No. 13362 be introduced.

Motion passed – 5 ayes, no nays

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

INTRODUCTION OF PROPOSED ORD. NO. 13363 APPROPRIATING \$50,000.00 FROM THE OPERATIONS, MAINTENANCE AND CONSTRUCTION IMPROVEMENT FUND OF MALINE CREEK TO PROVIDE MATCHING FUNDS FOR BON OAK #10074 - 10078 FLOOD MITIGATION (11104) AND AUTHORIZING THE EXECUTIVE DIRECTOR AND SECRETARY-TREASURER ON BEHALF OF THE METROPOLITAN ST. LOUIS SEWER DISTRICT TO ENTER INTO AN INTER-GOVERNMENTAL AGREEMENT WITH ST. LOUIS COUNTY, MISSOURI.

Proposed Ord. No. 13363 was presented and read. The work to be done under this agreement provides for the reimbursement of funds to St. Louis County as matching funds for a Pre-Disaster Mitigation (PDM) grant from FEMA to allow for the purchase of three (3) flood-prone properties at #10074, #10076, and #10078 Bon Oak Drive in unincorporated St. Louis County, Missouri. The affected properties are located within the floodplain of Dellwood Creek and qualified for buyout based on FEMA established criteria and application for funds made by St. Louis County. All work associated with the buyout, relocation, and demolition for the properties will be managed by St. Louis County.

Motion by Mr. Visintainer seconded by Mr. Ross that proposed Ord. No. 13363 be introduced.

Motion passed – 5 ayes, no nays

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

INTRODUCTION OF PROPOSED ORD. NO. 13364 APPROPRIATING \$50,000.00 FROM THE UNIVERSITY CITY OMCI FUND TO BE USED FOR PROJECT COSTS FOR THE CONSTRUCTION OF STORM SEWERS IN MAGNET DRIVE STORM SEWER (10699), IN THE CITY OF OLIVETTE, MISSOURI; AND AUTHORIZING THE EXECUTIVE DIRECTOR AND SECRETARY-TREASURER ON BEHALF OF THE METROPOLITAN ST. LOUIS SEWER DISTRICT TO ENTER INTO A CONTRACT WITH HEARTLAND CONSTRUCTION & EXCAVATING FOR THE AFORESAID STORM SEWER CONSTRUCTION.

Proposed Ord. No. 13364 was presented and read. The work to be done under Contract #10725 consists of the construction of approximately 235 lineal feet of pipe sewers 12-inches in diameter and appurtenances. The purpose of this project is to alleviate yard flooding and erosion. This project is scheduled to be completed in 90 days.

Motion by Mr. Berry seconded by Mr. Buford that proposed Ord. No. 13364 be introduced.

Motion passed – 5 ayes, no nays

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

INTRODUCTION OF PROPOSED ORD. NO. 13365 APPROPRIATING AN ADDITIONAL \$100,000.00 FROM THE SANITARY REPLACEMENT FUND TO BE USED FOR PROJECT COSTS FOR SEWER SEPARATION IN THE CSO - MACKLIND OUTFALL L-062 SEPARATION (10159), IN THE CITY OF ST. LOUIS, MISSOURI; AND AUTHORIZING THE EXECUTIVE DIRECTOR AND SECRETARY-TREASURER ON BEHALF OF THE METROPOLITAN ST. LOUIS SEWER DISTRICT TO ENTER INTO AN AMENDMENT TO CONTRACT NO. 10637 WITH MB MITCHELL, LLC FOR THE AFORESAID SEWER SEPARATION.

Proposed Ord. No. 13365 was presented and read. The work to be done under Contract #10637 consists of the construction of approximately 153 lineal feet of pipe sewers varying in size from 15-inches to 21-inches in diameter, 208 lineal feet of 20-inch pipe-in-tunnel, and appurtenances. The purpose of this project is to separate a reach of combined sewer and eliminate a CSO. This project will eliminate one (1) CSO. This project is scheduled to be completed in 180 days.

Motion by Mr. Visintainer seconded by Mr. Ross that proposed Ord. No. 13365 be introduced.

Motion passed – 5 ayes, no nays

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

INTRODUCTION OF PROPOSED ORD. NO. 13366 TRANSFERRING \$556,733.15 FROM THE SANITARY REPLACEMENT FUND TO THE GENERAL FUND, APPROPRIATING \$556,733.15 FROM THE GENERAL FUND, AND APPROPRIATING \$43,266.85 FROM THE SANITARY REPLACEMENT FUND OF THE DISTRICT FOR DEER CREEK SANITARY SYSTEM IMPROVEMENTS (11110), AND AUTHORIZING THE EXECUTIVE DIRECTOR AND SECRETARY-TREASURER ON BEHALF OF THE METROPOLITAN ST. LOUIS SEWER DISTRICT TO ENTER INTO CONTRACT NO. 10733 WITH THE PARSONS WATER & INFRASTRUCTURE, INC. FOR THE AFORESAID SERVICES.

Proposed Ord. No. 13366 was presented and read. This ordinance authorizes the District to enter into Contract #10733, with Parsons Water & Infrastructure, Inc. for one year with annual extensions based on acceptable performance to provide Watershed Consultant services

for all projects included in the Deer Creek Sanitary System Improvements project. The preliminary construction cost estimate for the entire Deer Creek Sanitary program is \$420,000,000. The estimated design contract range for the entire program contract is between \$30 to \$38 million. Specific project appropriations associated with this contract in this fiscal year being appropriated separately include:

<u>Project Name</u>	<u>Estimated Construction Cost</u>
DC-06 Deer Creek Sanitary Relief Phase III and I/I Reduction (10576)	\$4,300,000

Motion by Mr. Visintainer seconded by Mr. Ross that proposed Ord. No. 13366 be introduced.

Motion passed – 5 ayes, no nays

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

INTRODUCTION OF PROPOSED ORD. NO. 13367 APPROPRIATING \$400,000.00 FROM THE SANITARY REPLACEMENT FUND FOR ENGINEERING SERVICES FOR THE DESIGN OF DC-06 DEER CREEK SANITARY RELIEF PHASE III AND I/I REDUCTION (10576).

Proposed Ord. No. 13367 was presented and read. This ordinance appropriates funds for the design of the DC-06 Deer Creek Sanitary Relief Phase III and I/I Reduction (10576) as part of the Watershed Consultant services for all projects included in the Deer Creek Sanitary System Improvements project.

Motion by Mr. Visintainer seconded by Mr. Buford that proposed Ord. No. 13367 be introduced.

Motion passed – 5 ayes, no nays

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

INTRODUCTION OF PROPOSED ORD. NO. 13368 TRANSFERRING \$384,161.39 FROM THE SANITARY REPLACEMENT FUND TO THE GENERAL FUND, APPROPRIATING \$384,161.39 FROM THE GENERAL FUND, AND APPROPRIATING \$1,615,838.61 FROM THE SANITARY REPLACEMENT FUND OF THE DISTRICT FOR LOWER & MIDDLE RDP CSO CONTROLS SYSTEM IMPROVEMENTS (11109); AND AUTHORIZING THE EXECUTIVE DIRECTOR AND SECRETARY-TREASURER ON BEHALF OF THE METROPOLITAN ST. LOUIS SEWER DISTRICT TO ENTER INTO CONTRACT NO. 10734 WITH THE JACOBS ENGINEERING GROUP, INC. FOR THE AFORESAID SERVICES.

Proposed Ord. No. 13368 was presented and read. This ordinance authorizes the District to enter into Contract #10734 with Jacobs Engineering Group Inc. for one year with annual extensions based on acceptable performance to provide Watershed Consultant services for all projects included in the Lower and Middle RDP CSO Controls System Improvements project. The preliminary construction cost estimate for the entire Lower and Middle RDP program is \$1,225,000,000. The estimated design contract range for the entire program

contract is between \$90 to \$110 million. Initial funding for the final design for the Lemay Pump Station No. 1 Redundant Force Main (11123) project is included in the first year contract with an estimated construction cost estimate of \$14,375,000.

Motion by Mr. Berry seconded by Mr. Buford that proposed Ord. No. 13368 be introduced.

Motion passed – 5 ayes, no nays

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

INTRODUCTION OF PROPOSED ORD. NO. 13369 APPROPRIATING \$554,000.00 FROM THE SANITARY REPLACEMENT FUND FOR ENGINEERING SERVICES FOR THE DESIGN OF BISSELL WWTP DISINFECTION FACILITIES (E-1265 & 10325) AND AUTHORIZING THE EXECUTIVE DIRECTOR AND SECRETARY TREASURER ON BEHALF OF THE METROPOLITAN ST. LOUIS SEWER DISTRICT TO ENTER INTO AMENDMENT NO. 10 TO CONTRACT E-1265 WITH HDR ENGINEERING, INC. FOR THE AFORESAID ENGINEERING SERVICES.

Proposed Ord. No. 13369 was presented and read. The work to be done under Contract E-1265 authorizes the District to enter into Amendment No. 10 with HDR Engineering, Inc. This amendment provides for the engineering construction phase services for the Bissell WWTP Disinfection Facilities (10325) project. The low bid for this project is to be determined. The amended design appropriation is \$6,854,000.00.

Motion by Mr. Visintainer seconded by Mr. Ross that proposed Ord. No. 13369 be introduced.

Motion passed – 5 ayes, no nays

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

INTRODUCTION OF PROPOSED ORD. NO. 13370 DECLARING THE NECESSITY FOR THE ACQUISITION OF EASEMENTS 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 MCKELVEY PROJECT "A" & "B" SANITARY RELIEF (SKME-005) 10163 – 2006122 TO SERVE THE NEEDS OF RESIDENTS OF THE AREA, AND AUTHORIZING THE ACQUISITION OF SAID EASEMENTS AND TEMPORARY CONSTRUCTION EASEMENTS BY PURCHASE OR BY THE INSTITUTION OF CONDEMNATION PROCEEDINGS.

Proposed Ord. No. 13370 was presented and read. This ordinance authorizes the staff to enter into condemnation proceedings for permanent sewer easements and temporary construction easements on six (6) parcels of ground located in St. Louis, Missouri. These easements are needed to construct this project, which consists of approximately 7500 feet of

18-inch to 21-inch diameter sanitary relief sewers from east and west of Lindbergh Boulevard (U.S. Highway 67) and north of Page Avenue. This project is for sanitary sewer overflows and basement backups due to an overcharged sanitary sewer. Also, three (3) SSO bypasses 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. Visintainer seconded by Mr. Buford that proposed Ord. No. 13370 be introduced.

Motion passed – 5 ayes, no nays

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

INTRODUCTION AND ADOPTION OF PROPOSED ORD. NO. 13371 AUTHORIZING THE PARTICIPATION OF THE METROPOLITAN ST. LOUIS SEWER DISTRICT IN THE ENERGIZE MISSOURI WATER LOAN PROGRAM OF THE MISSOURI DEPARTMENT OF NATURAL RESOURCES AND THE STATE ENVIRONMENTAL IMPROVEMENT AND ENERGY RESOURCES AUTHORITY, AND THE EXECUTION OF A LOAN AGREEMENT AND PROMISSORY NOTE TO PROVIDE FUNDS TO FINANCE THE INSTALLATION OR CONSTRUCTION OF ENERGY CONSERVATION MEASURES; SUCH FUNDS TO BE REPAID FROM ENERGY COST SAVINGS REALIZED BY THE DISTRICT AS A RESULT OF IMPLEMENTATION OF SUCH ENERGY CONSERVATION MEASURES.

Proposed Ord. No. 13371 was presented and read. This Ordinance authorizes the District to participate in the Energize Missouri Water Loan Program to fund energy efficient cost savings projects in an aggregate borrowing not to exceed \$242,700. This loan is being authorized on an annual appropriation basis with the repayment coming from projected energy savings in future years. The proceeds will fund the replacement of lights, add insulation, upgrade the weather tightness of the vestibule and upgrade motion sensors principally at the 2350 Market Street facility. The loan will be for a seven (7) year term and carries a 2.5% interest rate.

Motion by Mr. Ross seconded by Mr. Berry that proposed Ord. No. 13371 be introduced.

Motion made, seconded and unanimously adopted to suspend the rules to allow for adoption of proposed Ord. No. 13371.

Motion made by Mr. Visintainer, seconded by Mr. Berry that proposed Ord. No. 13371 be adopted.

Motion passed – 5 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. 13371 adopted and it was assigned Ordinance No. 13371.

Resolutions

ADOPTION OF RESOLUTION NO. 3009 WHEREAS THE BOARD OF TRUSTEES OF THE METROPOLITAN ST. LOUIS SEWER DISTRICT ADOPTED ORDINANCE NO. 12010 ON JUNE 9, 2005, WHICH SPECIFIES A PUBLIC FUNDS INVESTMENT POLICY FOR THE DISTRICT, A COPY OF WHICH IS ATTACHED HERETO AS EXHIBIT "A".

Resolution No. 3009 was presented and read.

Motion made by Mr. Buford, seconded by Mr. Visintainer that Resolution No. 3009 be adopted.

Motion passed – voice vote, all ayes

ADOPTION OF RESOLUTION NO. 3008 EXPRESSING THE BOARD OF TRUSTEES' APPRECIATION TO CAROLYN L. JOHNSON FOR HER 18 YEARS OF EXEMPLARY SERVICE TO THE METROPOLITAN ST. LOUIS SEWER DISTRICT FROM JANUARY 3, 1995, TO HER RETIREMENT EFFECTIVE JANUARY 1, 2012.

Resolution No. 3004 was presented and read.

Motion made by Mr. Buford, seconded by Mr. Visintainer that Resolution No. 3004 be adopted.

Motion passed – voice vote, all ayes

ADOPTION OF RESOLUTION NO. 3007 WHEREAS VALERIE E. PATTON HAS FAITHFULLY SERVED AS A MEMBER OF THE CIVIL SERVICE COMMISSION OF THE METROPOLITAN ST. LOUIS SEWER DISTRICT FROM JULY 22, 2005 TO DECEMBER 7, 2011.

Resolution No. 3007 was presented and read.

Motion made by Mr. Berry, seconded by Mr. Buford that Resolution No. 3007 be adopted.

Motion passed – voice vote, all ayes

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

Secretary-Treasurer