

REVISED

A G E N D A

1513th MEETING OF THE BOARD OF TRUSTEES THE METROPOLITAN ST. LOUIS SEWER DISTRICT

February 9, 2012 – 5:00 P.M.

MSD OFFICES
2350 MARKET STREET
ROOM 109

ROLL CALL

- 1 APPROVAL OF JOURNAL OF PRECEDING MEETINGS January 12, 2012 (1511th)
January 25, 2012 (1512th)
- 2 COMMENTS BY THE CHAIR
- 3 REPORT OF BOARD COMMITTEES
- 4 REPORT OF EXECUTIVE DIRECTOR
- 5 COMMENTS FROM THE PUBLIC
- 6 SUBMISSION OF PUBLIC HEARING REPORTS – Bond Place Sanitary Sewers
- 7 COMMUNICATIONS – None
- 8 CONSENT AGENDA – Item Nos. 9 through 22

Ordinances

- 9 Adoption 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). (Intro. 1/12/12)
- 10 Adoption 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). (Intro. 1/12/12)
- 11 Adoption 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. (Intro. 1/12/12)
- 12 Adoption 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. (Intro. 1/12/12)
- 13 Adoption 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. (Intro. 1/12/12)
- 14 Adoption 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. (Intro. 1/12/12)

- 15 Adoption 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. (Intro. 1/12/12)
- 16 Adoption 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. (Intro. 1/12/12)
- 17 Adoption 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. (Intro. 1/12/12)
- 18 Adoption 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). (Intro. 1/12/12)
- 19 Adoption 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. (Intro. 1/12/12)
- 20 Adoption 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. (Intro. 1/12/12)
- 21 Adoption 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. (Intro. 1/12/12)
- 22 Adoption of proposed Ord. No. 13373 authorizing the Executive Director and Secretary-Treasurer on behalf of The Metropolitan St. Louis Sewer District to enter into a contract with Mason Tillman Associates, Ltd. whereby Mason Tillman Associates, Ltd., will provide Consultant Services in the area of performing a Disparity Study for the District. (Intro. 1/25/12)

Plan Approval

None

UNFINISHED BUSINESS

Ordinances

None

Resolutions

None

New Business

<u>Agenda Item Number</u>	<u>Name</u>	<u>Page Number</u>
<u>Ordinances</u>		
23 – Proposed Ord. No. 13374	Clayridge – Brandy Sanitary Relief (11099)	7
<p>Introduction of proposed Ord. No. 13374 appropriating \$260,000.00 from the Sanitary Replacement Fund to be used for project costs for the construction of sanitary sewers in Clayridge - Brandy Sanitary Relief (11099), 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 Heartland Construction & Excavating for the aforesaid sanitary sewer construction.</p>		
24 – Proposed Ord. No. 13377	Repealing Ordinance No. 13092, and Enacting New Section Two	8
<p>Introduction of proposed Ord. No. 13377 repealing Section Two of Ordinance No. 13092, adopted June 10, 2010, and enacting a new Section Two in lieu thereof to provide Professional Services from Black & Veatch Corporation ("B&V") not to exceed \$172,000.00.</p>		
25 – Proposed Ord. No. 13378	Update Feasibility Study to Support Debt Financing	9
<p>Introduction and adoption of proposed Ord. No. 13378 repealing Section Two of Ordinance No. 13235, adopted April 20, 2011, and enacting a new Section Two in lieu thereof to provide Professional Services from Black & Veatch Corporation ("B&V") not to exceed \$59,000.00.</p>		
<u>Resolutions</u>		
26	Adoption of Resolution No. 3013 Subdistrict No. 2010094, Bond Place Sanitary Sewers (#2010094) (11067) in the City of Sunset Hills, Missouri was established on petition by Ordinance No. 13237, adopted May 12, 2011 declared the necessity of an improvement to be made in said Subdistrict to be paid for by special tax bills or other evidence of special benefit assessments to be levied ratably by area on land benefited.	10
27	Adoption of Resolution No. 3010 expressing the Board of Trustees' appreciation to Stephan P. Biermann for his 18 years of exemplary service to The Metropolitan St. Louis Sewer District from October 11, 1993, to his retirement effective February 1, 2012.	

<u>Agenda Item Number</u>	<u>Name</u>	<u>Page Number</u>
28	Adoption of Resolution No. 3011 expressing the Board of Trustees' appreciation to Stephen R. Ellis for his 34 years of exemplary service to The Metropolitan St. Louis Sewer District from January 8, 1978, to his retirement effective February 1, 2012.	
29	Adoption of Resolution No. 3012 expressing the Board of Trustees' appreciation to John E. Keightley for his 36 years of exemplary service to The Metropolitan St. Louis Sewer District from August 18, 1975, to her retirement effective February 1, 2012.	
30	ITEMS PROPOSED FOR INTRODUCTION & ADOPTION AT THE NEXT BOARD MEETING	
	30a - Authorization for Charter Change Ballot Initiative	12
31	ANY OTHER BUSINESS THAT MAY PROPERLY BE BROUGHT BEFORE THE BOARD	
32	CLOSED SESSION	
	<p>The Metropolitan St. Louis Sewer District Board of Trustees may go into closed session at this meeting if such action is approved by a majority vote of the Board members who constitute a quorum, 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); personnel actions under §610.021(3); discussions regarding negotiations with employee groups under §610.021(9); personnel records or applications under §610.021(13); or records under §610.021(14) which are otherwise protected from disclosure by law; or confidential or privileged communications with the District's auditor, including auditor work products under §610.021(17).</p>	
33	ADJOURNMENT	

AGENDA ITEM NUMBER: 23 – Proposed Ord. No. 13374

NAME OF PROJECT: Clayridge – Brandy Sanitary Relief (11099)

LOCATION: East of Interstate 55 and north of Butler Hill Road in unincorporated St. Louis County, Missouri

TYPE OF PROJECT: Sanitary Sewer Construction (015.0 Construction Costs)

DEPARTMENT REQUESTING ACTION: Engineering

REQUESTED ACTION:

Why is this action necessary?: Appropriates funds and authorizes staff to enter into a construction contract

What does action accomplish?: Implements the construction of a CIP project

SUMMARY EXPLANATION/BACKGROUND:

Contractor: Heartland Construction & Excavating
1920 Cherokee Trail
Florissant, MO 63031

Previous District Contract: Yes

Consultant: N/A

Agency: N/A

Number of bidders: 14 **Low Bid:** \$181,000.00

High Bid: \$275,656.40

Appropriation Amount: \$260,000.00

Designer's Estimate: \$228,000.00

MBE/WBE Participation: 10.05%
Armstrong Supply – 6.35% - MBE
Midwest Turf – 3.70% - WBE

Plan Approval Date: January 12, 2012

Type of Contract: Unit Cost

Properties Affected: 2

Properties Benefiting: 4

Designed by: District staff

The work to be done under Contract #10731 consists of the construction of approximately 571 lineal feet of 12-inch diameter pipe sewers and appurtenances. The purpose of this project is to alleviate sanitary sewer backups due to insufficient sewer capacity. This project is scheduled to be completed in 180 days.

FUNDING/COST SUMMARY:

Budgeted: Capital Improvement Program **Budget Year:** FY2012, Pg. 46 **Amount:** \$300,000

Fund Name: #6660 – Sanitary Replacement Fund

Additional Comments: An additional contingency of \$60,000 for utility relocation is included in the appropriation.

Contracted planning resources utilized: Watershed Facility Planning, Separate Sewer Area I/I Assessment, Separate Sewer Area Flow Metering & Monitoring, Modeling, CCTV Inspection, Radar Rainfall Data, and General Services Surveying.

PREVIOUS BOARD ACTION RELATED TO THIS ACTION:

09/10/09 – Res. No. 2872 – GSA – Survey Services – Sabur, Inc. – Contract No. E-1233 – Amendment No. 1

AGENDA ITEM NUMBER: 24 – Proposed Ord. No. 13377

NAME OF PROJECT: Repealing Ordinance No. 13092, and enacting new Section Two

LOCATION: Finance

TYPE OF PROJECT: Professional Services

DEPARTMENT REQUESTING ACTION: Finance

REQUESTED ACTION:

Why is this action necessary?: To executed an amended contract agreement for professional services with Black & Veatch Corporation.

What does action accomplish?: This action provides the District rate design development and expert testimony required during the District’s FY11 Rate Commission deliberations.

SUMMARY EXPLANATION/BACKGROUND:

Contractor: N/A

Previous District Contract: N/A

Consultant: N/A

Agency: N/A

Number of bidders: N/A **Low Bid:** N/A

High Bid: N/A

Appropriation Amount: N/A

District’s Estimate: N/A

MBE/WBE Participation: None – Sole Source Specialized Service District Rate Model

Plan Approval Date: N/A

Type of Contract: N/A

Properties Affected: N/A

Properties Benefiting: N/A

Designed by: N/A

FUNDING/COST SUMMARY:

Budgeted: Finance Division Budget

Budget Year: FY12

Amount: \$22,000

Fund Name: N/A

Additional Comments: This repeals section two of original ordinance 13092 and enacts a new section two, to provide for professional services not to exceed \$172,000 from Black and Veatch Corporation.

PREVIOUS BOARD ACTION RELATED TO THIS ACTION:

6/10/10 – Ord. No. 13092 – Amount \$150,000 Rate Proposal Development for Rate Commission Hearings

AGENDA ITEM NUMBER: 25 – Proposed Ord. No. 13378

NAME OF PROJECT: Update Feasibility Study to Support Debt Financing

LOCATION: District wide

TYPE OF PROJECT: Financial/Engineering

DEPARTMENT REQUESTING ACTION: Secretary-Treasurer

REQUESTED ACTION:

Why is this action necessary?: This ordinance will allow the District to compensate Black & Veatch for additional work related to the Feasibility Study prepared for the 2011B bond issue.

What does action accomplish?: This ordinance authorizes a an increase in the contract maximum amount by \$9,000 with Black & Veatch to update the 2008 feasibility studies to support a debt issuance by the District that closed in December 2011.

SUMMARY EXPLANATION/BACKGROUND:

Contractor: N/A

Previous District Contract: Yes

Consultant: Black & Veatch

Agency: N/A

Number of bidders: N/A **Low Bid:** N/A

High Bid: N/A

Appropriation Amount: \$9,000

District's Estimate: \$9,000

MBE/WBE Participation:

Plan Approval Date: N/A

Type of Contract: N/A

Properties Affected: N/A

Properties Benefitting: N/A

Designed by: N/A

FUNDING/COST SUMMARY:

Budgeted: General Fund Secretary –Treasurer Prof services **Budget Year:** 2011-12 **Amount:** \$9,000
(Not to exceed)

Additional Comments: A requirement for larger underwritings of a municipal debt is the completion of a feasibility study that would assure either the bond or note holders that the District has the appropriate resources and ability to handle the project and ultimately repay the debt. In December 2011 the District issued \$52,250,000 of revenue bonds. The transaction originally started in October 2010 and was finalized in December 2011. The extended timeframe coupled with the proposed settlement of the consent decree and the issuance of the Rate Commission Rate Recommendation Report resulted in more edits and changes to the Feasibility Study than first anticipated. This ordinance will increase the contract maximum by \$9,000 to reflect the additional services needed.

PREVIOUS BOARD ACTION RELATED TO THIS ACTION:

04/20/11-Ord No. 13235-Amount \$50,000 –Black & Veatch Feasibility Study to Support 2011B Revenue Bond Issue

AGENDA ITEM NUMBER: 26 – Resolution No. 3013

NAME OF PROJECT: Bond Place Sanitary Sewers (S.D. #2010094) (11067)

LOCATION: West of I-270 and south of I-44 in the City of Sunset Hills, Missouri

TYPE OF PROJECT: Subdistrict (118.6 Public Interest Resolution)

DEPARTMENT REQUESTING ACTION: Engineering

REQUESTED ACTION:

Why is this action necessary?: This resolution declares that the subdistrict is in the public interest whereby a majority of the property owners are in favor of proceeding with the improvements.

What does action accomplish?: This allows for the completion of construction plans and specifications so that the improvements can be constructed at the expense of the subdistrict.

SUMMARY EXPLANATION/BACKGROUND:

Contractor: N/A

Previous District Contract: N/A

Consultant: N/A

Agency: N/A

Number of bidders: N/A **Low Bid:** N/A

High Bid: N/A

Appropriation Amount: N/A

District's Estimate: N/A

MBE/WBE Participation: N/A

Plan Approval Date: N/A

Type of Contract: Lump Sum Fee

Properties Affected: N/A

Properties Benefitting: N/A

Designed by: N/A

This special tax bill subdistrict was established by Ordinance No. 13237 on May 12, 2011 and consists of 12 properties, ten whose septic tanks have overflow pipes to private sanitary sewers that discharge to a public sewer, and two parcels using individual septic tanks. The second of two required public hearings was held on January 9, 2012 at 7:00 p.m. at the Sunset Hills Community Center, 3915 S. Lindbergh Blvd., Sunset Hills, Missouri, 63127, where half of the property owners were in favor of proceeding with the project, and a majority being in favor at the ballot submittal deadline. The total estimated probable cost is approximately \$110,000.00 and the average assessment for each of the residential lots is estimated to be \$9,000.00. Funding will come from the #4102 Improvement Program Fund and the annual interest rate is 2.5% per annum if tax bills are paid by annual installments not exceeding ten (10).

FUNDING/COST SUMMARY:

Budgeted: Capital Improvement Program

Budget Year: FY2012, Pg. 44

Amount: \$94,000

Fund Name: #4102 – Improvement Fund

Additional Comments: The project to address the issues within this proposed subdistrict consists of the construction of approximately 50 feet of 8-inch diameter sanitary sewers, the rehabilitation of approximately 700 feet of existing private sewers, including the construction of six structures on the private sewer, and appurtenances at a project cost of approximately \$110,000. The cost of this project would be borne by the property owners of the 12 parcels in the subdistrict. The total cost will be repaid through the issuance of Special Tax Bills levied against the 12 properties benefitted by the project and can be paid in one to 10 annual installments with interest. The construction of sanitary sewers, structures, and the rehabilitation of the private sewers in this subdistrict will eliminate a private common lateral which is currently owned and

operated by those who are currently connected to it. Once this project is completed, the sewers that are currently private will be operated and maintained by the District.

The budgeted amount for the project is \$94,000. During the design of the project, it was discovered that utility conflicts and shallow sewers led to extra design and construction costs for special structures.

PREVIOUS BOARD ACTION RELATED TO THIS ACTION:

04/20/11 – Res. No. 2969 – Approving a list of proposed expenditures that included this project for the Capital Improvement and Replacement Program as a result of the Program Planning efforts.

05/12/11 – Ord. No. 13237 – This ordinance established the tax bill boundary for the 12 properties included in the subdistrict. Eight of the parcels included in the boundary petitioned to the Board of Trustees to pay for sewer improvements by the use of special benefit assessments.

AGENDA ITEM NUMBER: 30A – INTRO & ADOPT AT THE NEXT MEETING

NAME OF PROJECT: Authorization for Charter Change Ballot Initiative

LOCATION: N/A

TYPE OF PROJECT: Governance

DEPARTMENT REQUESTING ACTION: Secretary-Treasurer

REQUESTED ACTION:

Why this action is necessary: The District's governing Charter (Plan) states that the Charter will be reviewed every ten years. This review has been undertaken by a committee and their suggestions need to be placed before the voters. A formal action of the Board is necessary to place the suggested changes before the voters.

What does action accomplish?: This ordinance will authorize a series of amendments to be placed before the voters at an election to be held on June 5, 2012 to modernize and streamline the District's governing Charter (Plan).

SUMMARY EXPLANATION/BACKGROUND:

Contractor: N/A

Previous District Contract: Yes

Consultant: N/A

Agency: N/A

Number of bidders: N/A

Low Bid: N/A

High Bid: N/A

Appropriation Amount: N/A

District's Estimate: N/A

MBE/WBE Participation: N/A

Plan Approval Date: N/A

Type of Contract: Time deposit

Properties Affected: N/A

Properties Benefitting: N/A

Designed by: N/A

FUNDING/COST SUMMARY:

Budgeted: N/A

Budget Year: N/A

Amount: N/A

Fund Name: N/A

Additional Comments:

PREVIOUS BOARD ACTION RELATED TO THIS ACTION:

7/20/00 – Ord. No. 10799 – Authorizes four ballot propositions related to amending the District's governing Charter (Plan).