

JOURNAL OF THE (1440th) MEETING OF THE
BOARD OF TRUSTEES
THE METROPOLITAN ST. LOUIS SEWER DISTRICT
January 11, 2007 - 4:00 P.M.

The Trustees of the District met in Rooms 111/112 at 2350 Market on the above date. Present at meeting:

Board of Trustees

D. J. Hayes, Chair
C. Karam, Vice Chair
E. Harshman
J. H. Goffstein
D. B. Rosenberg
J. H. Buford (excused)

Staff Members

J. L. Theerman, Executive Director
R. E. Hayman, General Counsel
K. J. Tyminski, Secretary-Treasurer
J. M. Zimmerman, Director of Finance
B. Hoelscher, Director of Engineering
D. St. Pierre, Director of Operations

Also present were Tom Sullivan, 35 N. Central; Ed Sweet, Parsons Water; Shameka Watts, KPMG; Robert Murray, KSEGG; Karen Vangyia, KPMG; Andy Gottsobly, KPMG; John Schilling, Black & Veatch; Tara Edwards, Sasak Properties; Wayne, Burns & Mac; Tom Ratzki, Black & Veatch; Doug Lambert, Geotechnology; Jim Coll; Vicki LaRoe, CDI; Jon Bergenthal, Jacobs Engineering; Granville White, Kwame; Bob Welsch, HNTB; Denny Walker, HNTB; Mark Kollitz, Woolpert; Gary Penrod, Insituform; Robert Bella, HDR; Bob Campbell, FMSM; James Finnigan, PB; Dave Hasty, CDM; Dan Westbrook, MSD; Vicki Taylor Edwards, Director of Human Resources; Marie Collins, Assistant Director of Engineering; Bill Ehrhard, Program Manager, Bruce Kozozenski, Manager of Risk Management; Lance LeComb, Public Affairs Specialist; Gene Rhodes, Audit Administrator; Theresa Bellville, Asst. Director of Finance; Debbie Johnson, Public Affairs Rep.; Suzanne Torpea, Sr. Office Associate; Steve Brown, Asst. Director of Human Resources; Barbara Mohn, Director of Information Systems, and Pam Bell, Secretary to the Executive Director.

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Ms. Dee Joyce-Hayes opened the meeting pursuant to notice and call.

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Motion made by Mr. Rosenberg, seconded by Ms. Harshman, that the Board go into closed session to discuss confidential or privileged matters under §610.021(1), RSMo 1988

Motion passed – 5 ayes, no nays

Poll taken:	J. Goffstein	aye	C. Karam	aye
	D. Rosenberg	aye	D. Joyce-Hayes	aye
	E. Harshman	aye		

During closed session the board had discussion regarding confidential, legal, or privileged matters under section 610.021 (1) and no votes were taken.

Motion made by Mr. Rosenberg, seconded by Ms. Harshman, to reconvene into open session. Mr. Karam temporarily left the room.

Motion passed – 4 ayes, no nays

Poll taken:	J. Goffstein	aye	C. Karam	no vote
	D. Rosenberg	aye	D. Joyce-Hayes	aye
	E. Harshman	aye		

Upon motion made by Mr. Rosenberg, seconded by Ms. Harshman, the Journal of the December 14, 2006 (1439th) Meeting was approved by unanimous voice vote.

Mr. Karam returned to the meeting.

The Chair reported that the District is submitting a Rate Change Proposal to the Rate Commission in the upcoming months. The Rate Commission process is designed to ensure that the public has an opportunity to be engaged and have a voice in setting the District's rates. The staff will present to the Rate Commission a proposal that could be changed by the end of the rate determination process.

Our wastewater rates must be sufficient to fund the regulatory projects that we are required to build in order to ensure water quality in our environment. A lack of funding to maintain our stormwater system prevents the District from providing stormwater service at a level that our customers expect. Changing the way we fund stormwater will allow MSD to deliver a consistent level of service and to do so in a way that will not dramatically change the total amount of the monthly rate that many customers now pay for stormwater service.

Mr. Karam reported that the Program Management Committee met on January 3, 2007 at 7:30 a.m., and was attended by Trustees Karam, Joyce-Hayes, and Rosenberg. The minutes of the December 5, 2006 meeting were approved.

Staff presented and discussed the agenda items to be introduced tonight. There was a detailed discussion regarding the following items:

Items 29 – 31 – The Committee questioned whether D.H.I. Contracting would be able to perform on these three projects. Staff stated that D.H.I. had sufficient bonding and, based on performance on previous smaller projects, had sufficient staffing and expertise to complete these projects.

Items 33 – Impervious Area Updates FY2007 – The District is performing this biannual project to update its impervious database and to prepare for a possible impervious stormwater rate. The District is utilizing the Federal Government's SFO, or Support For Others program, to utilize the Corps of Engineers' expertise in managing this contract. The Corps offers this service nationwide based on competitive selection.

Items 34 & 35 – CCTV Inspection – These contracts will provide closed circuit television services for this year with two annually renewable option years. These contracts will be used to identify system defects as part of the District's Capital Improvement Program. Of the 37 vendors solicited, the District received two qualified proposals for each project. For both contracts, the District chose the best qualified and lowest priced vendor. The Committee recommended that informational signs, indicating that this and all field investigation work is being performed by the District, be used. Staff will implement this immediately.

Items 36 & 37 – Flow Metering and Monitoring – These contracts will provide flow metering and monitoring services for this year with two annually renewable option years. Starting with this year, the District will prepare to start performing some of this work in-house. These contracts include provisions for the purchase of 77 flow meters for eventual use by in-house staff. In addition, District staff may take over the regular maintenance of some vendor installed and owned meters later this year with a resulting decrease in vendor costs. With the closing of the current three-year contract, approximately \$1,250,000 in unused previously appropriated monies will be liquidated and returned to the General Fund for use by the District.

Item 44 – Enterprise Systems Retooling Phase I – Staff presented this project to begin development of a web-based Geographic Information System, or GIS. This system will allow for geospatial analysis of data located throughout the District on various stand-alone systems and greatly improve the productivity of staff using this data. This is the initial project of Enterprise Systems Retooling Phase I. In response to committee questions, staff assured the Committee that this web-based system will be equipped with proper security. Staff also confirmed that this is the start of the first major overhaul ever of District information technology assets.

Staff discussed presentation to be given at the Engineer's Club on January 16th and at the Home Builder's Association on January 18th regarding staff's new rate and plan review fee proposals. Committee recommended that the Staff present the full rate proposal at these presentations and any future presentations. Board members may contact Brian Hoelscher if they would like more details.

Finally, staff reported on the progress towards opening a remote North County service site. Details are being worked out with the County. The cost for a trial six-month operation is approximately \$10,000, at which time staff will evaluate the public's response and report to the Board.

The meeting was adjourned at 8:50 a.m.

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Mr. Rosenberg reported that the Finance Committee held its monthly meeting at 8:00 AM on Tuesday, January 9th. In attendance were Trustees Mr. David Rosenberg, Mr. James Buford, Dr. Ellen Harshman and Mr. John Goffstein. At this meeting the following was discussed.

Ms. Zimmerman presented the October and November ARC Reports to the Committee. The reports were reviewed and accepted into the Committee's minutes as required by Ordinance. Ms. Zimmerman, then reviewed the November 2006 Internal Financial Report and highlighted the 74% increase in End of Month Cash was due to the receipt of Bond Proceeds from the recent Bond Sales. Ms. Zimmerman indicated the General Fund Budget variance overview through November 2006 was forecasting total general fund expenditures to come in 9.2% or \$9 million under budget. Ms. Zimmerman then presented the Collection Activity update as of September 30, 2006 and indicated the collection agency performance through September 2006 was \$5,032,207 and on track for potential FY 2007 total bad debt collection of \$20 million.

The Committee than was presented a concept proposal by Mr. Tyminski that addressed a recommendation by the District's Financial Advisor, PFM, to consider forming an Investment Sub-Committee to provide oversight of the \$981 million dollars of funds currently managed by the District's Treasury Department, with oversight from Finance Committee. Mr. Tyminski indicated the use of the recommended subcommittee would enable the Finance Committee more manageably handle the many responsibilities currently on its plate. Mr. Tyminski recommend the Investment Sub-Committee be comprised of 2 Trustees from the Finance Committee and 2 to 3 outside investment professionals that would meet a minimum of 4 times a year and as much as 12 times a year depending on Market conditions.

Ms. Vickie Taylor Edwards communicated to the Committee that staff would like to bring forward in February a resolution to extend the contract with McGriff the Districts Insurance Broker of Record. After discussion on the type and quality of service the District has received from McGriff, the Committee unanimously agreed to bring the issue forward to the full Board as a resolution at its February meeting.

The meeting was adjourned at 9:05 a.m.

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Ms. Harshman reported that the Stakeholder Relations Committee met on December 21, 2006 at 7:40 a.m. In attendance were Trustees Harshman, Buford, Rosenberg, and Joyce-Hayes.

First on the agenda – Jan Zimmerman, Director of Finance presented to the Committee a Wastewater and Stormwater Rate Proposal presentation. The presentation outlined a draft pay-as-you-go rate over a five-year period. The proposal allows for the maintenance of our existing system based on a equitable rate structure.

Next, there were discussions regarding Pension Plan considerations. Ms. Vicki Taylor-Edwards discussed a proposed pension plan modification to set the eligibility requirements and extend the date from June 1, 2007 to June 1, 2009, for certain employees who may be eligible for the 1.45% retirement benefit formula. The Committee voted to have this item placed on the agenda for the Board meeting.

In addition, Ms. Taylor-Edwards provided the Committee with an update on MWBE Program Focus Groups. The District consistently strives to improve through open communications. To this end, focus groups are being established to gain valuable input from minority subcontractors. Diversity Manager, Ramona Dickens, will facilitate the focus groups and debrief the Committee and staff upon their completion.

Next on the agenda was a discussion regarding the proposed Waste Treatment Contract between the City of Arnold, Missouri, and MSD. The District's General Counsel, Randy Hayman, indicated that this matter can be discussed in open session. A twenty-five year Intergovernmental Agreement between MSD and the City of Arnold, whereby MSD treats the City of Arnold's sewage will soon expire. As such, the Committee voted that an ordinance allowing MSD to amend the Agreement and provide ongoing wastewater treatment and define Arnold's payment schedule for their share of the Lower Meramec Plant be brought before the full Board.

Next there was a discussion regarding the expiring terms of current Rate Commissioners. Executive Director, Jeff Theerman, informed the Committee that the terms of five Commissioners will expire in January 2007. It was suggested that if presented with a Rate Notice that the current group of Commissioners continue until their 2007 deliberations are concluded. Mr. Hayman indicated that this is consistent with the way the terms of MSD Trustees, Civil Service Commissioners, and Governor Appointees are handled. At the Committee's direction, this issue was voted on in form of a motion at the January Board Meeting.

Finally, Ms. Taylor-Edwards informed the Committee that the District is in the process of modifying the Civil Service Rules and Regulations. All recommended modifications have been forwarded to the Civil Service Commission. The Commission is in agreement with the modifications, which have been made available to the employees.

On January 18, 2007, there was a public hearing on the proposed Civil Service Rule changes at the District's Headquarters. Employees were invited to attend and express their concerns and share comments. Recommendations will be submitted to the Stakeholder Relations Committee prior to being presented to the full Board for consideration in March 2007.

The meeting adjourned at 9:10 a.m.

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The Chair noted that an Audit Committee meeting was not held during the month.

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Mr. Theerman, with the aid of a PowerPoint slide, presented the Board with a draft of the Rate Proposal. A copy will be furnished upon request.

The Missouri Department of Natural Resources has granted the District's request to extend the deadline for the shutdown of the District's Baumgartner Lagoon until March 31, 2007. Construction on the Tunnel and Pump Station continues and we plan to achieve compliance with the administrative agreement at the earliest possible date.

Item 28 on the agenda is the plan approval for improvements to the District's headquarters as required by our Charter. In May of last year the Board approved an ordinance that provided for the development of plans and specs for the second phase of building renovations here at the Market location. These renovations were delayed until existing leases with our tenants came up for renewal. The scope of the work has not changed and will provide for better utilization of space, improved customer service, consolidation of staff from other locations, and better records storage. At the same time we will retain our tenants for another three years and will realize over \$550,000 per year in rental revenue. Plan approval is a step required in the charter that typically precedes introduction of a contract. We are competitively bidding this renovation work and plan on bringing an ordinance to the board in February for the construction.

On Thursday, January 25th from 5 to 8 pm, MSD will hold an "Ask MSD" event at the Westfield Crestwood Shopping Town in the Mall adjacent to the Sears Store. "Ask MSD" is intended to provide an opportunity for our customers to get questions answered and express concerns they may have regarding service. We will have a number of employee representatives at the Mall to answer questions regarding billing, field service, and projects. There are no appointments, customers can just walk up and get questions answered.

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Mr. Sullivan addressed the Board and complimented the District for doing a very good job at notifying the public on the web of upcoming meetings. He then questioned why the District, yet again, held a closed session. Ms. Hayes responded that two legal issues were discussed in closed session. Mr. Sullivan cited a 2003 document associated with the Lower Meramec Wastewater Treatment Plant that indicated that the project was to be completed by the summer of 2006. He felt that he was misled in response to his questions about the completion time for this project. He requested that Item #15, dealing with sewer rehabilitation work being performed by Insituform be pulled from the Consent Agenda because the unit price approach used by the District,

in his opinion, did not conform with MSD Charter's bidding requirements. He also challenged the Board to assure that they are getting the best pricing for the work performed by Insituform, citing a lack of interest of firms that bid against Insituform. Mr. Sullivan questioned the total cost for Item #17, and felt that this project should be cheaper. He asked the District to provide a list of expenditures on the Headquarters building for future meetings. He questioned the wisdom of engaging the firms of Parson and/or Parsons Brinkerhoff for District work, given the amount of national bad press these firms have had in either Iraq or with Boston's Big Dig project. He felt that the contract with the City of Arnold should be made public, questioned what the actual cost of the pension plan should be, and asked that the Internal Audit reports be made available on the District's website. Ms. Hayes called upon Mr. Theerman to respond to Mr. Sullivan's questions. Mr. Theerman responded that the District was not sure the contractor would be late until late December. Because of DNR's interest in this project, the District notified DNR that the potential for not meeting the deadline existed. Mr. Theerman called upon Mr. Hoelscher to address the Insituform questions. Mr. Hoelscher indicated that the District received competitive prices that allowed for the District to complete \$20,000 additional feet of sewer. Had the District used the second lowest bidder, the cost would be \$5.7M, thereby obtaining a savings of \$1.3M. Mr. Hayman addressed Mr. Sullivan's concern that the bidding did not conform with the District's Charter. He indicated that the District, as outlined on the accompanying correspondence, had appropriately bid the contract for this work. Mr. Theerman extended an offer to Mr. Sullivan to visit with our engineers to get a better cost of work being performed by HNTB. He indicated that an accounting will be brought forward at the next meeting regarding the cost of the Headquarters building. He noted that the District just received Mr. Sullivan's correspondence regarding Parsons and Parsons Brinkerhoff. He noted that these issues occurred in the Transportation, not the Environmental Division and the District would need time to investigate this issue. He noted that the Arnold contact will be made available when it is signed and that Ernst & Young is scheduled to perform their audit of the Lower Meramec project in February and March. He concluded by indicating that the District is not in a position to deal the amorphous allegations regarding the District's bidding practice for sewer work. Mr. Sullivan asked how does the price of the Insituform contract compare to those being charged by other cities. Mr. St. Pierre indicated that the Insituform process, from a technical standpoint is the most cost effective method for rehabilitating sewers. The price received is fantastic and he commended the Board for extending the contract.

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Ms. Harshman indicated that in light of the fact that the terms of five Rate Commissioners will expire this month, and that the District is actively considering filing a rate proposal for their consideration. Ms. Harshman moved that the terms of the current Rate Commissioners be extended until their duties associated with the review of the rate proposal have been fulfilled. Mr. Rosenberg seconded the motion. Ms. Joyce-Hayes asked whose terms were expiring. Ms. Harshman indicated terms are due to expire for: Daniel Murphy (Building & Construction Trades Council), William Allen (HBA), Richard Ward (FOCUS St. Louis), John Stein (Missouri Industrial Energy Consumers), Mike Schoedel (St. Louis County Municipal League).

Motion passed – voice vote; 5 ayes, no nays

CONSENT AGENDA

ADOPTION OF PROPOSED ORD. NO. 101-07 (ORDINANCE NO. 12362) APPROPRIATING \$699,000.00 FROM THE OPERATION, MAINTENANCE AND CONSTRUCTION IMPROVEMENT FUND OF GRAVOIS CREEK TO BE USED FOR PROJECT COSTS FOR THE CONSTRUCTION OF STORM SEWERS IN GRAVOIS GARDENS STORM IMPROVEMENTS PHASE 2 (2003065A), 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 BOMMARITO UTILITIES, LLC FOR THE CONSTRUCTION OF THE AFORESAID STORM SEWERS.

ADOPTION OF PROPOSED ORD. NO. 103-07 (ORDINANCE NO. 12363) 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 CONSTRUCTION OF STORM SEWERS IN DERHAKE #990 STORM SEWER (INFRASTRUCTURE REPAIR) (2006074), IN THE CITY OF FLORISSANT, MISSOURI.

ADOPTION OF PROPOSED ORD. NO. 104-07 (ORDINANCE NO. 12364) APPROPRIATING \$80,000.00 FROM THE OPERATION, MAINTENANCE AND CONSTRUCTION IMPROVEMENT FUND OF DEER CREEK TO BE USED FOR PROJECT COSTS FOR THE CONSTRUCTION OF STORM SEWERS IN WOOD #907 STORM SEWER IMPROVEMENTS (2006086), 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 V.G.P. UTILITY CONTRACTING, INC. FOR THE CONSTRUCTION OF THE AFORESAID STORM SEWERS.

ADOPTION OF PROPOSED ORD. NO. 106-07 (ORDINANCE NO. 12365) APPROPRIATING \$4,400,000.00 FROM THE SANITARY REPLACEMENT FUND TO BE USED FOR PROJECT COSTS FOR THE REHABILITATION OF SANITARY SEWERS IN MIDLAND SANITARY RELIEF (SKME-226) SEPARATE SEWER AREA I/I REDUCTION (2005063A) IN THE CITY OF OVERLAND, 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. 107-07 (ORDINANCE NO. 12366) APPROPRIATING \$ 138,000.00 FROM THE OPERATION, MAINTENANCE AND CONSTRUCTION IMPROVEMENT FUND OF COLDWATER CREEK TO BE USED FOR PROJECT COSTS FOR THE CONSTRUCTION OF STORM SEWERS IN COLDWATER WWTP OFFSITE STORM SEWER CONSOLIDATION AND OUTFALL (2006128), 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 J.H. BERRA CONST. CO., INC. FOR THE CONSTRUCTION OF THE AFORESAID STORM SEWERS.

ADOPTION OF PROPOSED ORD. NO. 108-07 (ORDINANCE NO. 12367) MAKING A SUPPLEMENTAL APPROPRIATION OF \$479,000.00 FROM THE SANITARY REPLACEMENT FUND FOR ADDITIONAL ENGINEERING SERVICES FOR THE DESIGN OF GRAVOIS TRUNK (WHITECLIFF TO RDP) SANITARY RELIEF PHASE IV (90032C); AND AUTHORIZING THE EXECUTIVE DIRECTOR AND SECRETARY-TREASURER ON BEHALF OF THE METROPOLITAN ST. LOUIS SEWER DISTRICT TO ENTER INTO AMENDMENT NO. 1 OF CONTRACT E-1182 WITH HNTB CORPORATION FOR THE AFORESAID ADDITIONAL ENGINEERING SERVICES.

ADOPTION OF PROPOSED ORD. NO. 109-07 (ORDINANCE NO. 12368) DECLARING THE NECESSITY FOR THE ACQUISITION OF EASEMENTS AND LICENSES 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 UPPER MALINE TRUNK SANITARY RELIEF PHASE III A (90080A) TO SERVE THE NEEDS OF RESIDENTS OF THE AREA, AND AUTHORIZING THE ACQUISITION OF SAID EASEMENTS AND LICENSES BY PURCHASE OR BY THE INSTITUTION OF CONDEMNATION PROCEEDINGS.

ADOPTION OF PROPOSED ORD. NO. 111-07 (ORDINANCE NO. 12369) AUTHORIZING THE EXECUTIVE DIRECTOR AND SECRETARY-TREASURER ON BEHALF OF THE METROPOLITAN ST. LOUIS SEWER DISTRICT TO ENTER INTO A CONTRACT WITH RELIANCE STANDARD FOR LONG-TERM DISABILITY INSURANCE FOR THE DISTRICT'S EMPLOYEES.

ADOPTION OF PROPOSED ORD. NO. 112-07 (ORDINANCE NO. 12370) AUTHORIZING THE EXECUTIVE DIRECTOR AND SECRETARY-TREASURER ON BEHALF OF THE METROPOLITAN ST. LOUIS SEWER DISTRICT TO ENTER INTO A CONTRACT WITH ETC INSTITUTE, WHEREBY ETC INSTITUTE WILL PERFORM CUSTOMER SERVICE SURVEYING FOR THE DISTRICT.

ADOPTION OF PROPOSED ORD. NO. 113-07 (ORDINANCE NO. 12371) AUTHORIZING THE EXECUTIVE DIRECTOR AND SECRETARY-TREASURER ON BEHALF OF THE METROPOLITAN ST. LOUIS SEWER DISTRICT TO ENTER INTO A CONTRACT WITH BJC EMPLOYEE ASSISTANCE PROGRAM WHEREBY BJC EMPLOYEE ASSISTANCE PROGRAM WILL PROVIDE EMPLOYEE ASSISTANCE PROGRAM (E.A.P.) SERVICES FOR THE DISTRICT EMPLOYEES FOR THE PERIOD OF FEBRUARY 1, 2007, TO JANUARY 31, 2008, WITH TWO (2) ADDITIONAL ONE-YEAR EXTENSION PERIODS TO BE EXERCISED AT THE OPTION OF THE DISTRICT.

Plan Approval

Sunny Meade and Graybridge Storm Sewer Improvements (2006065)

This project, located in an area east of Lindbergh Blvd. and north of Ladue Rd. in the City of Ladue, Missouri, is to address creek erosion, and street and yard flooding, as a result of an inadequate storm sewer system. This project is in the Fiscal Year 2006 Budget and the estimated construction cost is \$48,000.

CSO Riverview North Sewer Separation/Elimination (I-280) (2003052B)

This project, located in the City of St. Louis is to eliminate a CSO and reduce inflow/infiltration to a sanitary sewer. This project is in the Fiscal Year 07 Budget and the estimated construction cost is \$82,000.

Lockwood Ct. #661 Storm Sewer Improvements (2006059)

This project, located in an area located south of Manchester Road north of I-44 and west of Elm Avenue in Webster Groves, Missouri is to address yard flooding and erosion of 4 residential properties. This project is in the Fiscal Year 2007 Budget and the estimated construction cost is \$95,000.

Eulalie Ave. 8600 Block Phase II (88187A)

This project, located in North of Manchester Road and West of Hanley Road in the municipality of Brentwood, Missouri, is to eliminate recurring storm water flooding and erosion at 9 residential properties. This project is in the Fiscal Year 2006 Budget and the estimated construction cost is \$280,000.

Kortwright and Stanley Storm Sewer (2006058)

This project, located North of Manchester Road and West of McKnight Road in the municipality of Rockhill, Missouri, is to eliminate street flooding at the intersection of Kortwright Avenue and Stanley Avenue. This project is in the Fiscal Year 2006 Budget and the estimated construction cost is \$240,000.

Infrastructure Repairs (Rehabilitation) (FY2007) (2006096)

This project is within the Metropolitan St. Louis Sewer District Boundaries which includes all of St. Louis City and part of St. Louis County in the state of Missouri. The work to be done under this contract consists of the rehabilitation of approximately 127,500 lineal feet of sewers using CIPP methods, varying in size from 6” to 42” x 54” in diameter. This project is in the Fiscal Year 2007 Budget and the estimated construction cost is \$7,500,000.

Market #2350 Office Renovation – 2005 (2006093)

This project, located in the City of St. Louis consists of completing the 1st floor “Citizens Mall” concept as identified in the 2000 master plan which includes the following: creation of a training room and additional conference rooms; the relocation of the office of Human Resources, the mailroom, risk management and expanding the central file room to double its capacity. Other work includes the relocation of Information Systems Group from the 3rd floor to the 2nd floor and updating the allocation of space on the upper floors of the building to reflect staffing adjustments and other needs. This project is in the Fiscal Year 2007 Operating Budget and the estimated project construction cost is \$937,894.

Motion made by Mr. Rosenberg, seconded by Mr. Goffstein, that the Consent Agenda be adopted.

Motion passed – 5 ayes, no nays

Poll taken:	J. Goffstein	aye	C. Karam	aye
	D. Rosenberg	aye	D. Joyce-Hayes	aye
	E. Harshman	aye		

The Chair declared the Consent Agenda adopted and proposed Ord. Nos. 101-07, 103-07, 104-07, 106-07, 107-07, 108-07, 109-07, 111-07, 112-07 and 113-07, and were assigned Ordinance Nos. 12362, 12363, 12364, 12365, 12366, 12367, 12368, 12369, 12370 and 12371.

UNFINISHED BUSINESS

Ordinances

None

Resolutions

None.

NEW BUSINESS

Ordinances

INTRODUCTION OF PROPOSED ORD. NO. 118-07 APPROPRIATING \$58,500.00 FROM THE OPERATION, MAINTENANCE AND CONSTRUCTION IMPROVEMENT FUND OF DEER CREEK TO BE USED FOR PROJECT COSTS FOR THE CONSTRUCTION OF STORM SEWERS IN CONWAY AND WESTWOOD LAKE DRIVE STORM SEWER (2003137), IN THE VILLAGE OF WESTWOOD, MISSOURI; AND AUTHORIZING THE EXECUTIVE DIRECTOR AND SECRETARY-TREASURER ON BEHALF OF THE METROPOLITAN ST. LOUIS SEWER DISTRICT TO ENTER INTO A CONTRACT WITH D.H.I. CONTRACTING, LLC FOR THE CONSTRUCTION OF THE AFORESAID STORM SEWERS.

Proposed Ord. No. 118-07 was presented and read. The work to be done under this contract consists of the construction of approximately 380 lineal feet of pipe sewers varying in size from 21-inches to 24-inches in diameter and appurtenances. The pipe lengths, diameters, and length of earth beams were reduced from the CIP supplementary budget description. The purpose of this project is to alleviate yard flooding and erosion. This project is scheduled to be completed in 60 days.

Motion made by Mr. Karam, seconded by Mr. Rosenberg that proposed Ord. No. 118-07 be introduced.

Motion passed – 5 ayes no nays

Poll taken:	J. Goffstein	aye	C. Karam	aye
	D. Rosenberg	aye	D. Joyce-Hayes	aye
	E. Harshman	aye		

INTRODUCTION OF PROPOSED ORD. NO. 119-07 APPROPRIATING \$48,500.00 FROM THE OPERATION, MAINTENANCE AND CONSTRUCTION IMPROVEMENT FUND OF DEER CREEK TO BE USED FOR PROJECT COSTS FOR THE CONSTRUCTION OF STORM SEWERS IN COVINGTON RD. #27 (FORMERLY S-1797) (2007161), 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 D.H.I. CONTRACTING, LLC FOR THE CONSTRUCTION OF THE AFORESAID STORM SEWERS.

Proposed Ord. No.119-07 was presented and read. The work to be done under this contract consists of the construction of approximately 198 lineal feet of pipe sewers varying in size from 12-inches to 30-inches in diameter and appurtenances. The purpose of this project is to eliminate damage to homes and property due to flooding. This project is scheduled to be completed in 30 days.

Motion by Mr. Karam, seconded by Mr. Rosenberg that proposed Ord. No. 119-07 be introduced.

Motion passed – 5 ayes, no nays

Poll taken:	J. Goffstein	aye	C. Karam	aye
	D. Rosenberg	aye	D. Joyce-Hayes	aye
	E. Harshman	aye		

INTRODUCTION OF PROPOSED ORD. NO. 120-07 APPROPRIATING \$101,000.00 FROM THE OPERATION, MAINTENANCE AND CONSTRUCTION IMPROVEMENT FUND OF CREVE COEUR FRONTENAC CREEK TO BE USED FOR PROJECT COSTS FOR THE CONSTRUCTION OF STORM SEWERS IN SPOEDE RD. S. #324 STORM SEWER (2005134), IN THE CITY OF CREVE COEUR, MISSOURI; AND AUTHORIZING THE EXECUTIVE DIRECTOR AND SECRETARY-TREASURER ON BEHALF OF THE METROPOLITAN ST. LOUIS SEWER DISTRICT TO ENTER INTO A CONTRACT WITH D.H.I. CONTRACTING, LLC FOR THE CONSTRUCTION OF THE AFORESAID STORM SEWERS.

Proposed Ord. No. 120-07 was presented and read. The work to be done under this contract consists of the construction of approximately 628 lineal feet of pipe sewers varying in size from 12-inches to 30-inches in diameter and appurtenances. The purpose of this project is to relieve yard flooding and replace a failed sewer. This project is scheduled to be completed in 60 days.

Motion by Mr. Karam, seconded by Mr. Rosenberg that proposed Ord. No. 120-07 be introduced.

Motion passed – 5 ayes, no nays

Poll taken:	J. Goffstein	aye	C. Karam	aye
	D. Rosenberg	aye	D. Joyce-Hayes	aye
	E. Harshman	aye		

INTRODUCTION OF PROPOSED ORD. NO. 121-07 APPROPRIATING \$99,000.00 FROM THE OPERATION, MAINTENANCE AND CONSTRUCTION IMPROVEMENT FUND OF CREVE COEUR FRONTENAC TO BE USED FOR PROJECT COSTS FOR THE CONSTRUCTION OF STORM SEWERS IN WESTFIELD LN. #9 STORM SEWER (2006070), IN THE VILLAGE OF WESTWOOD, 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.

Proposed Ord. No. 121-07 was presented and read. The work to be done under this contract consists of the construction of approximately 743 lineal feet of pipe sewers varying in size from 12-inches to 24-inches in diameter and eight (8) storm sewer structures. The purpose of this project is to address basement and yard flooding and yard erosion, created by an inadequate surface drainage system, i.e. ditch, along the rear of number 9 to number 11 Westfield Lane. This project is scheduled to be completed in 60 days.

Motion by Ms. Joyce-Hayes, seconded by Mr. Rosenberg that proposed Ord. No. 121-07 be introduced.

Motion passed – 5 ayes, no nays

Poll taken:	J. Goffstein	aye	C. Karam	aye
	D. Rosenberg	aye	D. Joyce-Hayes	aye
	E. Harshman	aye		

INTRODUCTION OF PROPOSED ORD. NO. 122-07 AUTHORIZING THE EXECUTIVE DIRECTOR AND SECRETARY-TREASURER ON BEHALF OF THE METROPOLITAN ST. LOUIS SEWER DISTRICT TO ENTER INTO MODIFICATION NO. 7 OF THE CONTRACT WITH THE DEPARTMENT OF THE ARMY ST. LOUIS DISTRICT CORPS OF ENGINEERS WHEREBY THE DEPARTMENT OF THE ARMY ST. LOUIS DISTRICT CORPS OF ENGINEERS WILL PROVIDE THE DISTRICT WITH PHOTOGRAMMETRIC MAPPING DATA OF IMPERVIOUS AREAS IN THE CITY OF ST. LOUIS AND ST. LOUIS COUNTY, MISSOURI.

Proposed Ord. No. 122-07 was presented and read. The District maintains and updates its Impervious Area data on a two-year interval. This information is utilized on a regular basis by the District and other area agencies and entities. By utilizing the United States Army Corp of Engineers to provide the Photogrametric and Mapping Services, we are able to insure our data will be compatible with other data sources and useful to a wide range of the District's users. The costs associated with this project are \$25,000 for aerial photography and digital scans and \$150,000 for impervious area data collection for a total project cost of \$175,000. This impervious area update will be the last one prior to the District's billing of impervious area beginning in January 2008, and will insure that the District's impervious area billing data is as current and complete as possible.

Motion by Mr. Rosenberg, seconded by Mr. Karam that proposed Ord. No. 122-07 be introduced.

Motion passed – 5 ayes, no nays

Poll taken:	J. Goffstein	aye	C. Karam	aye
	D. Rosenberg	aye	D. Joyce-Hayes	aye
	E. Harshman	aye		

INTRODUCTION OF PROPOSED ORD. NO. 123-07 APPROPRIATING \$1,125,000.00 FROM THE SANITARY REPLACEMENT FUND FOR CCTV INSPECTION AND PHYSICAL INSPECTION OF SEWERS – NORTH (2007236A) AND CCTV INSPECTION AND PHYSICAL INSPECTION OF SEWERS – SUPPORT SERVICES (2006166) AND AUTHORIZING THE EXECUTIVE DIRECTOR AND SECRETARY-TREASURER ON BEHALF OF THE METROPOLITAN ST. LOUIS SEWER DISTRICT TO ENTER INTO CONTRACT WITH ADS ENVIRONMENTAL SERVICES, LLC FOR THE AFORESAID CCTV AND PHYSICAL INSPECTION AND SUPPORT SERVICES.

Proposed Ord. No. 123-07 was presented and read. This ordinance appropriates funds and authorizes the District to enter into a contract with ADS Environmental Services, LLC. The purpose of this contract is to provide District staff with information regarding sewer condition 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 for CCTV Inspection and Physical Inspection of Sewers – North is for \$1,125,000, which includes \$125,000 of support services for sewer cleaning, and locating and raising of manholes. 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 inspection requests. This contract is renewable for up to two (2) additional years. The District currently has an open contract for these services in the North service area. The contract has a remaining balance of approximately \$521,000. This remaining balance has been assigned to work tasks amounting to approximately \$600,000 (320,000 lineal feet of sewer). It is anticipated this balance will be expended by March 2007. Currently, there is a backlog of unassigned work tasks totaling approximately \$1,200,000 (616,000 lineal feet).

Motion by Mr. Karam, seconded by Mr. Goffstein that proposed Ord. No. 123-07 be introduced.

Motion passed – 5 ayes, no nays

Poll taken:	J. Goffstein	aye	C. Karam	aye
	D. Rosenberg	aye	D. Joyce-Hayes	aye
	E. Harshman	aye		

INTRODUCTION OF PROPOSED ORD. NO. 124-07 APPROPRIATING \$1,125,000.00 FROM THE SANITARY REPLACEMENT FUND FOR CCTV INSPECTION AND PHYSICAL INSPECTION OF SEWERS – SOUTH (2007236B) AND CCTV INSPECTION AND PHYSICAL INSPECTION OF SEWERS – SUPPORT SERVICES (2006166) AND AUTHORIZING THE EXECUTIVE DIRECTOR AND SECRETARY-TREASURER ON BEHALF OF THE METROPOLITAN ST. LOUIS SEWER DISTRICT TO ENTER INTO CONTRACT WITH ADS ENVIRONMENTAL SERVICES, LLC FOR THE AFORESAID CCTV AND PHYSICAL INSPECTION AND SUPPORT SERVICES.

DISTRICT TO ENTER INTO CONTRACT WITH ACE PIPE CLEANING, INC. FOR THE AFORESAID CCTV AND PHYSICAL INSPECTION AND SUPPORT SERVICES.

Proposed Ord. No. 124-07 was presented and read. This ordinance appropriates funds and authorizes the District to enter into a contract with Ace Pipe Cleaning, Inc. The purpose of this contract is to provide District staff with information regarding sewer condition 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 for CCTV Inspection and Physical Inspection of Sewers – South is for \$1,125,000, which includes \$125,000 of support services for sewer cleaning, and locating and raising of manholes. 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 inspection requests. This contract is renewable for up to two (2) additional years. The District currently has an open contract for these services in the South service area. The contract has a remaining balance of approximately \$500,000. This remaining balance has been assigned to work tasks amounting to approximately \$661,000 (330,000 lineal feet of sewer). It is anticipated this balance will be expended by March 2007. Currently, there is a backlog of unassigned work tasks totaling approximately \$1,300,000 (658,000 lineal feet).

Motion by Mr. Karam, seconded by Mr. Goffstein that proposed Ord. No. 124-07 be introduced.

Motion passed – 5 ayes, no nays

Poll taken:	J. Goffstein	aye	C. Karam	aye
	D. Rosenberg	aye	D. Joyce-Hayes	aye
	E. Harshman	aye		

INTRODUCTION OF PROPOSED ORD. NO. 125-07 APPROPRIATING \$2,950,000.00 FROM THE SANITARY REPLACEMENT FUND FOR FLOW METERING AND MONITORING SERVICES FOR COMBINED SEWER AREA – FLOW METERING AND MONITORING (2007234) AND AUTHORIZING THE EXECUTIVE DIRECTOR AND SECRETARY-TREASURER ON BEHALF OF THE METROPOLITAN ST. LOUIS SEWER DISTRICT TO ENTER INTO A CONTRACT WITH ADS ENVIRONMENTAL SERVICES, LLC FOR THE AFORESAID FLOW METERING AND MONITORING SERVICES.

Proposed Ord. No. 125-07 was presented and read. This ordinance appropriates funds and authorizes the District to enter into a contract with ADS Environmental Services, LLC. The purpose of this contract is to provide District staff with information regarding combined sewer system flows during dry and wet weather conditions at 180 locations for a continuous eight month period. This data is a diagnostic tool that will be used to refine hydraulic models, determine project scopes, support inflow/infiltration investigations, assist radar rainfall, and combined sewer pre-design projects. This contract for combined sewer area flow metering and monitoring is \$2,811,075. Approximately 80% of the metering locations will provide support data for the Watershed Planning efforts and the remaining 20% will support specific design projects and operational and engineering

needs. The collection of flow metering data will begin transitioning from contractual resources to District personnel. The contract allows for the purchase of approximately 32 combined sewer flow meters to support this transition. This contract is renewable for up to two (2) additional years. The District currently has an open contract for these services that has a remaining balance of approximately \$933,600. Data collected from FY2006 locations will use approximately \$684,000 of this remaining balance and is anticipated to be expended by May 2007 once the QA/QC of the data has been completed and the District receives the final data. The remaining balance will be returned to the General Fund.

Motion by Mr. Rosenberg, seconded by Mr. Goffstein that proposed Ord. No. 125-07 be introduced.

Motion passed – 5 ayes, no nays

Poll taken:	J. Goffstein	aye	C. Karam	aye
	D. Rosenberg	aye	D. Joyce-Hayes	aye
	E. Harshman	aye		

INTRODUCTION OF PROPOSED ORD. NO. 126-07 APPROPRIATING \$3,300,000.00 FROM THE SANITARY REPLACEMENT FUND FOR FLOW METERING AND MONITORING SERVICES FOR SEPARATE SEWER AREA - FLOW METERING AND MONITORING (2007235) AND AUTHORIZING THE EXECUTIVE DIRECTOR AND SECRETARY-TREASURER ON BEHALF OF THE METROPOLITAN ST. LOUIS SEWER DISTRICT TO ENTER INTO A CONTRACT WITH ADS ENVIRONMENTAL SERVICES, LLC FOR THE AFORESAID FLOW METERING AND MONITORING SERVICES.

Proposed Ord. No. 126-07 was presented and read. This ordinance authorizes staff to enter into condemnation proceedings for permanent sewer easements and temporary construction licenses on two parcels of ground in the City of Kirkwood, Missouri. These easements and licenses are needed to construct this project, which consists of approximately 600 feet of channel improvements of Sugar Creek, which is threatening the shoulder of Ballas Road, driveways, and yards. These easements and licenses 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 early next fiscal year.

Motion by Mr. Rosenberg, seconded by Mr. Goffstein that proposed Ord. No. 126-07 be introduced.

Motion passed – 5 ayes, no nays

Poll taken:	J. Goffstein	aye	C. Karam	aye
	D. Rosenberg	aye	D. Joyce-Hayes	aye
	E. Harshman	aye		

INTRODUCTION OF PROPOSED ORD. NO. 127-07 APPROPRIATING \$250,000 FROM THE SANITARY REPLACEMENT FUND FOR ENGINEERING SERVICES FOR THE DESIGN OF CC-15 SEVEN PINES TO BENNINGTON PLACE SANITARY RELIEF PHASE II (SKME-033) (2001130A) AND AUTHORIZING THE EXECUTIVE DIRECTOR AND SECRETARY-TREASURER ON BEHALF OF THE METROPOLITAN ST. LOUIS SEWER DISTRICT TO ENTER INTO CONTRACT NO. E-1205 WITH DONOHUE & ASSOCIATES, INC. FOR THE AFORESAID ENGINEERING SERVICES.

Proposed Ord. No. 127-07 was presented and read. This project consists of the design and preparation of construction documents for approximately 4,160 feet of 12-inch to 21-inch diameter sanitary sewer and appurtenances. This project will alleviate basement backups for approximately 20 properties. The preliminary construction cost estimate is \$1,190,000.00. The non-construction costs are 22% of the total estimated program costs. The design costs are 16% of the estimated construction costs.

Motion by Ms. Harshman, seconded by Mr. Rosenberg that proposed Ord. No. 127-07 be introduced.

Motion passed – 4 ayes, no nays, 1 abstain

Poll taken:	J. Goffstein	aye	C. Karam	aye
	D. Rosenberg	aye	D. Joyce-Hayes	abstain
	E. Harshman	aye		

INTRODUCTION OF PROPOSED ORD. NO. 128-07 APPROPRIATING \$309,000.00 FROM THE SANITARY REPLACEMENT FUND FOR ENGINEERING SERVICES FOR THE DESIGN OF UR-07 BON HILLS SANITARY RELIEF PHASE II (89088) AND AUTHORIZING THE EXECUTIVE DIRECTOR AND SECRETARY-TREASURER ON BEHALF OF THE METROPOLITAN ST. LOUIS SEWER DISTRICT TO ENTER INTO CONTRACT NO. E-1206 WITH CRAWFORD MURPHY & TILLY, INC. FOR THE AFORESAID ENGINEERING SERVICES.

Proposed Ord. No. 128-07 was presented and read. This project consists of the design and preparation of construction documents for approximately 4,750 feet of 18-inch diameter sanitary sewer and appurtenances. This project will provide for the elimination of four sanitary bypasses, and alleviate basement backups for approximately 38 properties. The preliminary construction cost estimate is \$1,210,000.00. The non-construction costs are 25% of the total estimated program costs. The design costs are 20% of the estimated construction costs.

Motion by Mr. Rosenberg, seconded by Ms. Harshman that proposed Ord. No. 128-07 be introduced.

Motion passed – 5 ayes, no nays

Poll taken:	J. Goffstein	aye	C. Karam	aye
	D. Rosenberg	aye	D. Joyce-Hayes	aye
	E. Harshman	aye		

INTRODUCTION OF PROPOSED ORD. NO. 129-07 APPROPRIATING \$154,000.00 FROM THE SANITARY REPLACEMENT FUND FOR ENGINEERING SERVICES FOR THE DESIGN OF PORTIS #3242 COMBINED SEWER IMPROVEMENTS (2006049) AND AUTHORIZING THE EXECUTIVE DIRECTOR AND SECRETARY-TREASURER ON BEHALF OF THE METROPOLITAN ST. LOUIS SEWER DISTRICT TO ENTER INTO CONTRACT NO. E-1207 WITH PARSONS WATER & INFRASTRUCTURE, INC. FOR THE AFORESAID ENGINEERING SERVICES.

Proposed Ord. No. 129-07 was presented and read. This project consists of the design and preparation of construction documents for approximately 1,520 feet of 15-inch to 36-inch diameter combined sewer and appurtenances. This project will alleviate property and street flooding in the 3200 block of Portis Avenue. The preliminary construction cost estimate is \$645,000.00. The non-construction costs are 24% of the total estimated program costs. The design costs are 18% of the estimated construction costs.

Motion by Ms. Joyce-Hayes, seconded by Mr. Rosenberg that proposed Ord. No. 129-07 be introduced.

Motion passed – 5 ayes, no nays

Poll taken:	J. Goffstein	aye	C. Karam	aye
	D. Rosenberg	aye	D. Joyce-Hayes	aye
	E. Harshman	aye		

INTRODUCTION OF PROPOSED ORD. NO. 130-07 APPROPRIATING \$1,491,000.00 FROM THE SANITARY REPLACEMENT FUND FOR ENGINEERING SERVICES FOR THE DESIGN OF TOWER GROVE – MANCHESTER COMBINED SEWER SYSTEM (2003088-01); AND AUTHORIZING THE EXECUTIVE DIRECTOR AND SECRETARY-TREASURER ON BEHALF OF THE METROPOLITAN ST. LOUIS SEWER DISTRICT TO ENTER INTO CONTRACT E-1208 WITH PARSONS BRINCKERHOFF QUADE & DOUGLAS, INC., FOR THE AFORESAID ENGINEERING SERVICES.

Proposed Ord. No. 130-07 was presented and read. This project consists of the design and preparation of construction documents for modifications to an existing diversion structure with a combined sewer overflow, 6,100 feet of 12-inch to 60-inch diameter storm sewer, and preliminary design including soil borings and geotechnical analysis for a future tunnel to relieve the combined sewer system serving the watershed. The preliminary construction cost estimate is \$5,085,000.00. The non-construction costs are 21% of the total estimated program costs. The design costs are 15% of the estimated construction costs.

Motion by Mr. Rosenberg, seconded by Ms. Harshman that proposed Ord. No. 130-07 be introduced.

Motion passed – 4 ayes, no nays, 1 abstain

Poll taken:	J. Goffstein	aye	C. Karam	aye
	D. Rosenberg	aye	D. Joyce-Hayes	abstain
	E. Harshman	aye		

INTRODUCTION OF PROPOSED ORD. NO. 131-07 DECLARING THE NECESSITY FOR THE ACQUISITION OF EASEMENTS AND LICENSES IN CERTAIN REAL PROPERTY WITHIN THE METROPOLITAN ST. LOUIS SEWER DISTRICT FOR THE PURPOSE OF CONSTRUCTION OF STORM CHANNEL, STORM SEWERS, AND RELATED APPURTENANCES IN THE PROJECT KNOWN AS BALLAS ROAD N. #103 & 107 (GRG-38) (2003128) TO SERVE THE NEEDS OF RESIDENTS OF THE AREA, AND AUTHORIZING THE ACQUISITION OF SAID EASEMENTS AND LICENSES BY PURCHASE OR BY THE INSTITUTION OF CONDEMNATION PROCEEDINGS.

Proposed Ord. No. 131-07 was presented and read. This ordinance authorizes staff to enter into condemnation proceedings for permanent sewer easements and temporary construction licenses on two parcels of ground in the City of Kirkwood, Missouri. These easements and licenses are needed to construct this project, which consists of approximately 600 feet of channel improvements of Sugar Creek, which is threatening the shoulder of Ballas Road, driveways, and yards. These easements and licenses 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 early next fiscal year.

Motion by Mr. Rosenberg, seconded by Mr. Goffstein that proposed Ord. No. 131-07 be introduced.

Motion passed – 5 ayes, no nays

Poll taken:	J. Goffstein	aye	C. Karam	aye
	D. Rosenberg	aye	D. Joyce-Hayes	aye
	E. Harshman	aye		

INTRODUCTION OF PROPOSED ORD. NO. 132-07 AUTHORIZING THE EXECUTIVE DIRECTOR AND SECRETARY-TREASURER ON BEHALF OF THE METROPOLITAN ST. LOUIS SEWER DISTRICT TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF ARNOLD, MISSOURI, WHEREBY THE DISTRICT WILL ACCEPT AND TREAT SEWAGE GENERATED WITHIN THE SEWER SYSTEM BOUNDARIES OF SAID CITY AS CONVEYED TO THE DISTRICT’S LOWER MERAMEC WASTEWATER TREATMENT PLANT BY SAID CITY.

Proposed Ord. No. 132-07 was presented and read. On March 3, 1982, the District entered into an Intergovernmental Agreement with the City of Arnold, Missouri whereby the District would treat the City’s sewerage. This agreement provides for the ongoing treatment of Arnold’s wastewater and defines Arnold’s payment schedule for their share of the Lower Meramec Plant.

Motion by Ms. Harshman, seconded by Ms. Joyce-Hayes that proposed Ord. No. 132-07 be introduced.

Motion passed – 5 ayes, no nays

Poll taken:	J. Goffstein	aye	C. Karam	aye
	D. Rosenberg	aye	D. Joyce-Hayes	aye
	E. Harshman	aye		

INTRODUCTION OF PROPOSED ORD. NO. 133-07 APPROPRIATING \$886,300.00 FROM THE GENERAL FUND FOR THE PROCUREMENT OF WEB-BASED ENTERPRISE GIS, SOFTWARE LICENSES, TRAINING AND TECHNICAL SUPPORT, HARDWARE AND OPERATING SYSTEMS, AND ORACLE SOFTWARE, AND AUTHORIZING THE EXECUTIVE DIRECTOR AND SECRETARY-TREASURER ON BEHALF OF THE METROPOLITAN ST. LOUIS SEWER DISTRICT TO ENTER INTO THE CONTRACTS WITH ENVIRONMENTAL SERVICES RESEARCH INSTITUTE (ESRI); IBM DIRECT C/O EDWARDS SOLUTIONS; LOWERY SYSTEMS; WORLD WIDE TECHNOLOGY (WWT) AND MYTHICS RESPECTIVELY, FOR THE PROCUREMENT OF THE AFOREMENTIONED SERVICES AND EQUIPMENT.

Proposed Ord. No. 133-07 was presented and read. Appropriate budgeted funds for a web-based Enterprise GIS system including the acquisition of ESRI GIS software licenses. Obtain GIS Training, Technical Services, Hardware, Operating Systems and Oracle Software that are required for implementation of system. Authorize Executive Director and Secretary / Treasurer to enter into contract with: Environmental Services Research Institute (ESRI) \$483,300.00 (Contract Authorization), Mythics \$240,000.00 (Contract Authorization), Lowery Systems \$123,000.00 (Purchase Order), IBM Direct c/o Edwards Solutions \$30,000.00 (Purchase Order), World Wide Technology \$10,000.00 (Purchase Order).

Motion by Mr. Rosenberg, seconded by Ms. Joyce-Hayes that proposed Ord. No. 133-07 be introduced.

Motion passed – 5 ayes, no nays

Poll taken:	J. Goffstein	aye	C. Karam	aye
	D. Rosenberg	aye	D. Joyce-Hayes	aye
	E. Harshman	aye		

INTRODUCTION OF PROPOSED ORD. NO. 134-07 REPEALING ORDINANCE NO. 11781, AS ADOPTED JULY 8, 2004, AND ENACTING A NEW ORDINANCE IN LIEU THEREOF ESTABLISHING A RETIREMENT SYSTEM TO PROVIDE FOR THE PENSIONING AND OTHER WELFARE BENEFITS FOR EMPLOYEES OF THE METROPOLITAN ST. LOUIS SEWER DISTRICT, AND THE SPOUSES AND MINOR CHILDREN OF DECEASED EMPLOYEES, AND PROVIDING FOR THE PAYMENT OF PUBLIC FUNDS FOR SUCH PURPOSE IN PURSUANCE OF THE MISSOURI CONSTITUTION 1945 AS AMENDED, AND THE MISSOURI STATUTE ENACTED AUTHORIZING SAID PENSION PLAN, AND THE PLAN OF THE METROPOLITAN ST. LOUIS SEWER DISTRICT.

Proposed Ord. No. 134-07 was presented and read. This project modifies the District's Pension Plan to set the eligibility requirements and extend the date from 6/1/07 to 6/1/09 for employees who may be eligible for the 1.45% retirement benefit formula.

Mr. Theerman indicated that he is in receipt of a petition from the employees that this option be offered on an indefinite basis. He noted that to doing so would have cost implications and that he would return at the next meeting with a report on this issue.

Motion by Ms. Harshman, seconded by Mr. Rosenberg that proposed Ord. No. 134-07 be introduced.

Motion passed – 5 ayes, no nays

Poll taken:	J. Goffstein	aye	C. Karam	aye
	D. Rosenberg	aye	D. Joyce-Hayes	aye
	E. Harshman	aye		

INTRODUCTION AND ADOPTION OF PROPOSED ORD. NO. 135-07 VACATING A VARIABLE WIDTH EASEMENT AND A SEVEN AND ONE-HALF FOOT (7.5') WIDE EASEMENT IN PARCEL 2, AND A FIFTEEN-FOOT (15') WIDE EASEMENT IN PARCEL 1 OF THE SHOPPES AT KOCH PARK A SUBDIVISION ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 353, PAGE 723 OF THE ST. LOUIS COUNTY RECORDS, IN ST. LOUIS COUNTY, MISSOURI.

Proposed Ord. No. 135-07 was presented and read. The District has been requested to vacate its rights to various easements not occupied by sewers. The property owner has provided new easements at no cost to the District. The District has no future use for the easements to be vacated.

Motion by Ms. Joyce-Hayes, seconded by Mr. Rosenberg that proposed Ord. No. 135-07 be introduced.

Motion made, seconded and unanimously adopted to suspend the rules to allow for adoption of proposed Ord. No. 135-07.

Motion made by Mr. Rosenberg, seconded by Ms. Harshman that proposed Ord. No. 135-07 be adopted.

Motion passed – 5 ayes, no nays

Poll taken:	J. Goffstein	aye	C. Karam	aye
	D. Rosenberg	aye	D. Joyce-Hayes	aye
	E. Harshman	aye		

The Chair declared proposed Ord. No. 135-07 adopted and it was assigned Ordinance No. 12372.

INTRODUCTION AND ADOPTION OF PROPOSED ORD. NO. 136-07 VACATING A TEN-FOOT (10') WIDE EASEMENT LOCATED IN LOT 14 OF DRURY ACRES PLAT TWO, A SUBDIVISION ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 354, PAGE 554 OF THE ST. LOUIS COUNTY RECORDS, ST. LOUIS COUNTY, MISSOURI.

Proposed Ord. No. 136-07 was presented and read. The District has been requested to vacate its rights to a ten-foot (10') wide easement not occupied by sewers. New easements have been provided. The District has no future use for the existing easements being vacated.

Motion by Ms. Joyce-Hayes, seconded by Mr. Rosenberg that proposed Ord. No. 136-07 be introduced.

Motion made, seconded and unanimously adopted to suspend the rules to allow for adoption of proposed Ord. No. 136-07.

Motion made by Mr. Rosenberg seconded by Ms. Harshman that proposed Ord. No. 136-07 be adopted.

Motion passed – 5 ayes, no nays

Poll taken:	J. Goffstein	aye	C. Karam	aye
	D. Rosenberg	aye	D. Joyce-Hayes	aye
	E. Harshman	aye		

The Chair declared proposed Ord. No. 136-07 adopted and it was assigned Ordinance No. 12373.

INTRODUCTION AND ADOPTION OF PROPOSED ORD. NO. 137-07 VACATING A PORTION OF A TEN-FOOT (10') WIDE EASEMENT LOCATED IN ADJUSTED LOT 8 OF GREEN PARK COMMERCE CENTER PHASE I ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 347, PAGE 680 OF THE ST. LOUIS COUNTY RECORDS, IN ST. LOUIS COUNTY, MISSOURI.

Proposed Ord. No. 137-07 was presented and read. The District has been requested to vacate its rights to a portion of a ten-foot (10') wide easement. The easement portion is not required. The District has no future use for this easement.

Motion by Ms. Joyce-Hayes, seconded by Mr. Rosenberg that proposed Ord. No. 137-07 be introduced.

Motion made, seconded and unanimously adopted to suspend the rules to allow for adoption of proposed Ord. No. 137-07.

Motion made by Mr. Rosenberg seconded by Ms. Harshman that proposed Ord. No. 137-07 be adopted.

Motion passed – 5 ayes, no nays

Poll taken:	J. Goffstein	aye	C. Karam	aye
	D. Rosenberg	aye	D. Joyce-Hayes	aye
	E. Harshman	aye		

The Chair declared proposed Ord. No. 137-07 adopted and it was assigned Ordinance No. 12374.

INTRODUCTION AND ADOPTION OF PROPOSED ORD. NO. 138-07 VACATING A TEN-FOOT (10') WIDE EASEMENT RECORDED IN DEED BOOK 12703, PAGE 2073 AND LOCATED IN PART OF LOT 102 OF .MARYLAND HEIGHTS SUBDIVISION, A SUBDIVISION ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 11, PAGE 14 OF THE ST. LOUIS COUNTY RECORDS, IN THE CITY OF MARYLAND HEIGHTS, ST. LOUIS COUNTY, MISSOURI.

Proposed Ord. No. 138-07 was presented and read. The District has been requested to vacate an easement not used for construction of a city street. The District did not pay for the easement and has no future use for the easement being vacated.

Motion by Ms. Joyce-Hayes, seconded by Mr. Rosenberg that proposed Ord. No. 138-07 be introduced.

Motion made, seconded and unanimously adopted to suspend the rules to allow for adoption of proposed Ord. No. 138-07.

Motion made by Mr. Rosenberg seconded by Ms. Harshman that proposed Ord. No. 138-07 be adopted.

Motion passed – 5 ayes, no nays

Poll taken:	J. Goffstein	aye	C. Karam	aye
	D. Rosenberg	aye	D. Joyce-Hayes	aye
	E. Harshman	aye		

The Chair declared proposed Ord. No. 138-07 adopted and it was assigned Ordinance No. 12375.

Resolutions

ADOPTION OF RESOLUTION NO. 2697 WHEREAS, ORDINANCE NO. 12180, ADOPTED MARCH 9, 2006, AUTHORIZED THE EXECUTIVE DIRECTOR AND SECRETARY-TREASURER ON BEHALF OF THE METROPOLITAN ST. LOUIS SEWER DISTRICT TO ENTER INTO A CONTRACT WITH WHITE COLEMAN & ASSOCIATES, LLC WHEREBY WHITE COLEMAN & ASSOCIATES, LLC WOULD SERVE AS CO-BOND COUNSEL FOR THE DISTRICT.

Resolution No. 2697 was presented and read. This resolution will authorize the District to exercise its option to extend the contract with White Coleman & Associates, LLC for Co-Bond Counsel services.

Motion made by Mr. Rosenberg, seconded by Ms. Harshman that Resolution No. 2697 be adopted.

Motion passed – voice vote; 5 ayes, no nays

ADOPTION OF RESOLUTION NO. 2690 EXPRESSING THE BOARD OF TRUSTEES' APPRECIATION TO ROBERT G. RAWIE FOR HIS 36 YEARS OF EXEMPLARY SERVICE TO THE METROPOLITAN ST. LOUIS SEWER DISTRICT FROM FEBRUARY 2, 1970, TO HIS RETIREMENT EFFECTIVE FEBRUARY 1, 2007.

Resolution No. 2690 was presented and read.

ADOPTION OF RESOLUTION NO. 2691 EXPRESSING THE BOARD OF TRUSTEES' APPRECIATION TO JIMMY L. VANDYKE FOR HIS 36 YEARS OF EXEMPLARY SERVICE TO THE METROPOLITAN ST. LOUIS SEWER DISTRICT FROM JUNE 8, 1970, TO HIS RETIREMENT EFFECTIVE FEBRUARY 1, 2007.

Resolution No. 2691 was presented and read.

ADOPTION OF RESOLUTION NO. 2692 EXPRESSING THE BOARD OF TRUSTEES' APPRECIATION TO ALLEN R. WEINMAN FOR HIS 38 YEARS OF EXEMPLARY SERVICE TO THE METROPOLITAN ST. LOUIS SEWER DISTRICT FROM AUGUST 13, 1968, TO HIS RETIREMENT EFFECTIVE FEBRUARY 1, 2007.

Resolution No. 2692 was presented and read.

ADOPTION OF RESOLUTION NO. 2689 EXPRESSING THE BOARD OF TRUSTEES' APPRECIATION TO REYNALDO S. PEREZ FOR HIS 17 YEARS OF EXEMPLARY SERVICE TO THE METROPOLITAN ST. LOUIS SEWER DISTRICT FROM JANUARY 29, 1990, TO HIS RETIREMENT EFFECTIVE FEBRUARY 1, 2007.

Resolution No. 2689 was presented and read.

Motion made by Mr. Rosenberg, seconded by Ms. Joyce-Hayes that Resolution Nos. 2690, 2691, 2692, and 2689 be adopted.

Motion passed – voice vote; 5 ayes, no nays

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Upon motion made by Mr. Rosenberg, seconded by Ms. Harshman, and unanimously passed, the meeting adjourned at 6:25 p.m.

Secretary-Treasurer

MEMO TO: Jeff Theerman
FROM: Randy E. Hayman
SUBJECT: Midland Sanitary Relief Project
DATE: January 11, 2007

Section 7.100 of the District Charter states:

SECTION 7.100. Competitive bidding. – Before the District makes any purchase of or contract for supplies, materials, or equipment, or lets any contract for work or improvements, the Executive Director shall provide ample opportunity for competitive bidding, under such rules and regulations and with such exceptions arising out of emergencies and other causes as the Board upon recommendation of the Executive Director may prescribe by ordinance; provided, however, that the Board shall not except individual contracts, purchases, or sales from the requirement of competitive bidding for the purpose of evading the requirement of competitive bidding, nor shall it permit the subdivision of purchases or contracts for the purpose of evading the requirements of competitive bidding. All bids may be rejected. Except for such right of rejection, the purchase or contract shall be let to the lowest responsible bidder.

Section 9.040 of the District Charter states:

SECTION 9.040. Contracts for improvements. – When improvements are to be executed by contract, the District shall advertise for bids upon such notice and competition as may be prescribed by ordinance. All bids may be rejected. Except for such right of rejection, the Executive Director shall let the contract to the lowest responsible bidder and shall cause the contract to be formally executed by the contractor and by the Executive Director. Such contract, before it becomes binding and effective, shall be confirmed by ordinance adopted by the Board. All contracts for improvements which involve labor shall contain provisions that the prevailing rates of pay shall be paid to skilled and unskilled labor employed thereon and that there shall be no discrimination in the selection of employment of labor because of race, creed, or color; and such provisions shall be stated in the invitation for bids and shall be included in proposals or bids for the work.

Section Six of Ordinance No. 8879, as adopted February 10, 1993 states:

Section Six. Contracts for Improvements. The Executive Director shall cause advertisements for bids for improvements to be placed in not less than one daily or weekly newspaper of general circulation not less frequently than once a week for three consecutive weeks, the last date of publication being not less than seven days preceding the date for receipt of bids. The Executive Director may cause to be published additional advertisements in said newspapers or trade papers or magazines, if in his sole discretion, he believes such additional advertisements appropriate. All advertisements shall fix

the date, hour and place at which bids will be received, publicly opened and read. The Executive Director shall have full power to reject any and all bids, whenever in his judgment the interest of the District may require it. Except for such right of rejection, after the canvass of all bids has been completed, the Executive Director shall award the contract to the lowest responsible bidder and shall cause the contract to be formally executed by the contractor as soon as practicable. In determining "lowest responsible bidder", in addition to price, the Executive Director shall consider the ability, capacity and skill of the bidder to perform the work called for by the contract; whether the bidder can perform the work in a timely manner; the character, integrity, reputation, judgment, experience and efficiency of the bidder; the quality of performance of previous contracts and whether the bidder has failed or refused to carry out any prior contract let to it by the District; previous and existing compliance by bidder with all applicable laws relating to the contract; the sufficiency of the financial resources of the bidder; and the number and scope of any conditions attached to the bid.

PROVIDED, however, such contract, before it becomes binding and effective, shall be confirmed by ordinance adopted by the Board. All contracts for improvements which involve labor shall contain provisions that the prevailing rates of pay shall be paid to skilled and unskilled labor employed thereon and that there shall be no discrimination in the selection or employment of labor because of race, religion, creed, color, sex, age, national origin, ancestry, handicap or disability, and such provisions shall be included in the invitations for bids and the proposals or bids for the work. The bid documents shall provide that the contractor shall take the following actions:

1. Not discriminate in employment upgrading, demotion or transfer, recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship;
2. Post in conspicuous places available to employees and applicants for employment, notices setting forth the provision of this non-discrimination clause.
3. Comply with the District's DBE policy in effect at the time of bidding.

Review of Midland Sanitary Relief project confirms that all the requirements of the above-quoted Charter and Ordinance provisions have been satisfied. The contract for said project will be awarded pursuant to the District's competitive bidding process. The project encompasses a total area as

delineated in the District's FY 2007 Capital Improvement Plan, and has not exceeded said area. Bids were submitted by two (2) bidders based on unit pricing. The lowest of the bids will be awarded the contract.

Section I "D" of the Technical Project Specifications for this project as supplied to all prospective bidders states:

- D. The work will be performed in various quantities and at various sites within the Metropolitan St. Louis Sewer District boundaries and will be assigned to the contractor as determined by the District staff. The total dollar amount of this contract is estimated to be \$4,500,000.00, with an estimated contract length of eight months from the date of execution.

Section II A of the Technical Project Specifications for this project as supplied to all prospective bidders states:

- A. All work will be accomplished in accordance with the requirements of these specifications and under the provisions of the "Standard Construction Specifications for Sewers and Drainage Facilities, 2000, Metropolitan St. Louis Sewer District" and these Technical Projects Specifications. The term "District" shall mean the Metropolitan St. Louis Sewer District and its representatives.

The District's Standard Specifications for all projects state:

6. Addition or Omission of Work. The District shall have the right to make changes in the plans or specifications or the character of the work or to increase or decrease the quantity of work provided the total value of such changes, together with all previous changes, is not in excess of 25% of the original total monetary amount of the contract. Should it become necessary or in the best interests of the District to make increases or decreases exceeding this limitation, they will be covered by a supplemental written agreement entered into by the Contractor and the District.

Article 5 General of the District's standard construction contract as will be utilized for this project states:

Article 5. Payment

General

The District shall pay the Contractor for all work done on the basis of final measurement computation, for all work acceptably completed according to this contract at the unit prices shown in the attached Bid Price Extension Sheet of the Proposal. The MBE/WBE involvement report must be submitted before any progress, semi-final or final payments are made on projects \$50,000 or more, not including allowance for "Utility Relocation" costs.

The foregoing project specification and contract language lend further support to the position that the District has proceeded properly in this Project. The Technical Project Specifications clearly indicate that the work will be performed in various quantities and at various sites within

the area as delineated in the District's FY 2007 Capital Improvement Plan for this Project. The District retains the right to make changes in the plans or specifications and to increase the quantity of work provided, and will pay for said work on the unit price basis as was contemplated in the Solicitation of Bidders.

In conclusion, the District has met all competitive bidding requirements for this Project, and has adjusted the quantity of work pursuant District procedures and authority. Accordingly, Proposed Ordinance No. 106-07 should be adopted in order to award the contract to the lowest unit price bidder for specified work within the total defined project area.

REH:hw

C: Board of Trustees

Bcc: Brian Hoelscher