

JOURNAL OF THE (1451<sup>st</sup>) MEETING OF THE  
BOARD OF TRUSTEES  
THE METROPOLITAN ST. LOUIS SEWER DISTRICT  
October 11, 2007 – 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

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

Staff Members

J. L. Theerman, Executive Director  
R. E. Hayman, General Counsel  
K. J. Tyminski, Secretary-Treasurer  
T. A. Bellville, Asst. Director of Finance  
B. L. Hoelscher, Director of Engineering  
J. C. Sprague, Director of Operations (excused)

Also present were Mr. Tom Sullivan, 35 N. Central; Shameka Watts, KPMG; Robert Merlo, Anheuser-Busch; Diana Vuylstke, MIEC; Bob Offerman, HBC; Tammy Alsop, HBC; Jeff Rensing, Oates Associates; Rob Kuenzel, RJN; Jeff King, CDI; Mark Drazen, MO Energy Group; Phil Sutin, St. Louis Post-Dispatch; Bentley Green, CH2M; John Kindschuh, MIEC; Jon Bergenthal, Jacobs; Terry Endres, Bank of America; Bruce Wood, KAI; Clayton Stockwell, Pepperdine Court; John Coffman, AARP; Burke Wasson, Call Newspapers; John Schilling, Black & Veatch; Cary Duchene, Black & Veatch; Robert Bella, HDR; Ted Guln, Tarlton; A.R. Elliott, Yeager; Lance LeComb, Public Affairs Specialist; Barbara Mohn, Director of Information Systems; Mike Grace, Manager of Risk Management; Gene Rhodes, Audit Administrator; Debbie Johnson, Public Affairs; Marie Collins, Asst. Director of Engineering, and Pam Bell, Secretary to the Executive Director.

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Mr. David Rosenberg opened the meeting pursuant to notice and call.

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Motion made by Mr. Karam, seconded by Ms. Joyce-Hayes, that the Board go into closed session to discuss confidential or privileged matters under §610.021(1), RSMO 1988 SUPP.

Motion passed – 5 ayes, no nays

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

During closed session the Board had discussion regarding confidential, legal, or privileged matters under § 610.021 (1) RSMO 1988 SUPP. No votes were taken.

Motion made by Mr. Buford, seconded by Ms. Joyce-Hayes, to reconvene into open session.

Motion passed – 5 ayes, no nays

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

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Upon motion made by Ms. Joyce-Hayes, seconded by Mr. Karam, the Journal of the September 12, 2007 meeting was approved by unanimous voice vote.

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The Chair reported that in 2000, changes to MSD's Charter were approved by area voters that allowed for the creation of a Rate Commission. Composed of 15 member organizations representing a broad cross-section of MSD's customers and the community it serves, the Rate Commission was designed to provide public input into how the District sets rates. The Rate Commission process is a lengthy and deliberative process – much like a formal legal case – that includes multiple public hearings. This process begins when a rate proposal is formally referred to the Rate Commission.

In March of this year, staff referred a proposal for both wastewater and stormwater rate changes to the Rate Commission. The Commission met 18 times to consider the proposal, and issued a report and recommendation on August 13. Since the report was issued, the Board has undertaken its own deliberations on the rate proposal and the Commission's findings.

In addition to many hours spent by individual Trustees reviewing the Commission's recommendation on their own, the Board's Finance Committee held two public meetings to discuss details of the proposed rate changes. These deliberations have concluded that the Commission's recommendation complies with the criteria laid out in the District's Charter for rate changes. As such, the Finance Committee recommends the Board accept the Commission's report as presented, with the exception of one aspect of the new stormwater rate. Instead of the new impervious stormwater rate being implemented over five years, the implementation should take place over seven years.

Items 32, 33, and 34 on tonight's agenda pertain to the acceptance of the Rate Commission's report by the Board and the related changes to wastewater and stormwater rates. Item 32 is a resolution. If approved tonight, it will require no further action by the Board. Items 33 and 34 are proposed ordinances for introduction. If those items are approved tonight, both will be considered for final adoption at the November Board meeting.

In closing, and as has been stated in the past, I wish to underscore the District's commitment to protecting the environment and managing stormwater issues on behalf of our St.

Louis community. While carrying out these important duties, the Board is also aware that MSD has a concurrent obligation to protect the household budgets of ratepayers - especially the budgets of ratepayers on low or fixed incomes. Balancing these responsibilities can be difficult, but MSD has worked very hard for many years to find the right approach. It is a balance our customers and the St. Louis community expect MSD to achieve. We believe that the current rate setting process and the rate changes to be voted on this evening achieves that balance.

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Mr. Karam reported that the Program Management Committee met on October 2, 2007 at 7:30 a.m. The meeting was attended by trustees Karam and Rosenberg.

The minutes of the September 5, 2007 meeting were approved.

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

Items 25 through 28 – General Surveying Services – These four contracts will provide the District with surveying services for internal design and planning activities. The total MWBE participation for these contracts is 40%.

Item 40 – Resolution No. 2739 – This resolution adds two stormwater and one sanitary sewer projects to the capital program as part of the Revised 2007 – 2008 Budget Appropriation. Emerling – Evans is a stormwater project located in Cool Valley and funded through the Maline Creek OMCI. Ferguson and Salerno is a stormwater project located in Pagedale and funded through the Wellston OMCI. Eva – Wabash Phase II is a sanitary relief project located in Berkeley. A budget surplus from the FY2007 Operating Budget is allowing this project to be built two years earlier than programmed and will result in the elimination of five constructed SSOs. The District has scheduled a public hearing for Tuesday, October 30, 2007 at 7:30 a.m. to review these projects.

Item 43 – Resolution No. 2743 – This resolution acknowledges the District's support for the use of Green Technology to protect the environment. The Executive Director will discuss the details of this resolution in his report.

The Committee went into closed session at 8:10 a.m. and resumed open session at 8:20 a.m.

The meeting was adjourned at 8:20 a.m.

The next meeting will be scheduled prior to the November 2007 Board Meeting.

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Mr. Goffstein reported that The Audit Committee met October 9, 2007 at 8:05 a.m. The meeting was attended by Trustees John Goffstein, Dee Joyce-Hayes and James Buford.

The audit committee was presented with the status of the FY07 and FY08 audit plans. The committee was informed that the FY07 audit plan had been completed. The

committee also approved the Benefits Management audit report.

Hochschild Bloom & Co. discussed the Independent Auditors Draft Reports for the Fiscal Year ending June 30, 2007. The following draft reports were discussed: Enterprise Financial Report, Report on Federal Awards, Agreed-upon Procedures Report "Schedule of Net Pledged Revenues", Report on Schedule of Project Expenditures Under Resolution 2533, Internal Control Management Comments and Recommendations, and Fund Financial Statements and Other Financial Information report. HBC discussed the financial changes between FY06 and FY07 for all reports. HBC indicated that they would be completing the documentation for MSD to receive the Government Finance Officer Association awards for distinguished financial reporting and budget presentation.

The meeting adjourned at 8:35 a.m.

Mr. Goffstein, then introduced Bob Offerman and Tammy Alsop, who provided a report to the Board on the annual financial audit. Mr. Offerman reported that the audit was completed within 90 days of the end of the fiscal year. There was no fraud or errors detected. The financial statements received an unqualified opinion and present fairly the financial condition of the District as of June 30, 2007. He noted that no new accounting methods have been adopted and the District is working on its GASB 45 post-retirement medical liability. He called upon Ms. Alsop who discussed the various changes in the District's financial positions between 2006 & 2007. Mr. Offerman indicated that certain of the District's financial ratios were very strong. In particular, he cited that the District's current ratio is 3:1, which means the District has three times the money available to pay its debts. He also cited the District's debt-to-equity ratio as being .25:1, which means that for every dollar of debt, the District has four dollars of equity. Mr. Offerman thanked the District staff and indicated that they were very professional to deal with.

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Ms. Rosenberg reported that on September 20, 2007 the Stakeholder Relations Committee met at 7:30 a.m. at the District's headquarters. In attendance were Trustees Harshman, Rosenberg and staff.

The only item of discussion was the District's Post Retirement Medical Insurance. Ms. Edwards explained that GASB 45 is a new regulation that requires governmental agencies to recognize the liability for post-employment benefits beginning fiscal 2008. This change impacts the medical coverage offered to the District's retirees. Under the current program District, employees are able to retire with full benefits with the Rule of 75, (age and years of service total 75). Medical coverage continues for the pre-65 retiree until they become eligible for Medicare. In addition, the District offers post-65 retirees a Medicare supplemental plan. Cost of this coverage is paid by retiree. As part of GASB 45, the District conducted actuarial studies for pre and post-65 retirees. She informed the Committee that the District has agreed to accept liability for coverage as part of the retirement package for all pre-65 retirees. As for post-65 retirees, the liability associated with this group is estimated to be \$21 million. To eliminate the liability, the monthly cost for this coverage would need to increase more than \$200 per month above the \$320 they are currently paying. This increase would be cost-prohibited for most retirees. Staff's recommendation is to offer an alternative program to the post-65 retirees. The Medicare supplemental program being proposed is comparable in benefits and costs, to the plan currently being offered, thus eliminating the GASB 45 liability and the increase in cost.

The proposed change would be effective February 1, 2008.

Mr. Theerman briefed the Committee on his recent trip to Washington, DC where he met with Senate and House staff. He informed the group that the House had passed a bill for \$14 billion in funding for water infrastructure.

There being no further business, the meeting adjourned at 8:07 a.m.

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Mr. Rosenberg reported that Since the last Board meeting the Finance Committee met on September 26th and again on October 9th.

At the September 26th meeting Trustees Rosenberg, Harshman, Buford, Karam, and Goffstein were in attendance. The meeting was held to discuss the Rate Commission report and the corresponding Wastewater and Stormwater rate proposals. The meeting was facilitated through a presentation made by Ms. Zimmerman who went through an overview of: the Rate Process, the task facing the Trustees, and a summary of both the Wastewater and Stormwater Rate Proposals. She emphasized that the Wastewater Rate Proposal is based on 100% Pay-as-you-go financing. The Stormwater proposal recommends an impervious area charge to fund both basic and enhanced service. The District's proposal differs from the Rate Commission recommendation by ramping-up the enhanced service charge over a seven-year period versus the five-year period recommended by the Rate Commission. Public comment was also accepted at this meeting. Mr. Mark Drazen, a consultant for the large energy users, expressed concern that the pay-as-you-go financing for the wastewater rate creates an artificially inflated rate in the near term versus the use of an equal mix of bond and pay-as-you-go financing. Mr. Tyminski presented the advantages and disadvantages of both using bond and pay-as you go financing. He emphasized that it is the District's preference to defer the use of bond financing to a point in time when uncertainty surrounding the capital improvement program has been resolved.

At the October 9th meeting, Trustees Buford, Harshman, Joyce-Hayes, Goffstein and Rosenberg were in attendance. The Committee approved the minutes of both the September 11th and 26th meetings. Ms. Bellville, Assistant Director of Finance, presented the Adjustment Review Committee report which was formally accepted by the Committee.

Mr. Tyminski addressed the Committee and recommended that the District renew the banking agreement with Bank of America for the third and final year of their contract. He noted that Bank of America is the lowest cost provider for the services required by the District and they also have the best platform to support the District's e-banking initiatives. The Committee voted to recommend the extension of the Bank of America contract for a one-year period. This item is on tonight's agenda.

Mrs. Taylor-Edwards addressed the Committee and indicated that as part of the routine competitive procurement process, proposals were received for security services. The firm of Wackenhut is the lowest cost qualified provider for these services. The Committee voted to recommend an agreement with Wackenhut for consideration at the November Board of Trustees meeting.

The Committee discussed the Waste and Stormwater Rate proposals and received public comment on this topic. Mr. Mark Gorman, a consultant for the large energy

users, addressed the Committee and reiterated their position that the use of an equally proportioned debt to pay-as-you-go financing structure would provide a lower user rate in the near term. The Committee had a discussion regarding Mr. Gorman's proposal. The committee voted to present to the full board the Wastewater proposal as recommended by the Rate Commission, and the Stormwater proposal, as modified by ramping-up the enhanced service area charge over a seven versus a five-year period. These will be items 32, 33 and 34 on tonight's agenda.

The Finance Committee voted to go into closed session to discuss legal, confidential and privileged communication as defined in RSMO 610.021 (1). No votes were taken in closed session.

This concludes the report of the Finance Committee

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Mr. Theerman reported that as the District develops solutions to wastewater and stormwater problems that exist in our community, we continually seek to understand the best methods used by others. Some of the challenges in handling stormwater can be addressed through the use of Green Infrastructure alternatives at a lower cost than traditional solutions. Green Infrastructure refers to a set of stormwater management solutions that utilize natural systems to reduce runoff volume and improve the quality of water that reaches local streams and rivers. Green infrastructure solutions include rain gardens, vegetated roofs, vegetated swales, infiltration planters, to name a few.

Item 43 on tonight's agenda is a resolution that states the District's support of green infrastructure alternatives in combination with traditional hard infrastructure improvements or as stand-alone solutions to the regulatory needs of our service area. That support is extended to recognizing the appropriate use of green infrastructure solutions in privately funded projects that require permitting by the District. The resolution also recognizes the numerous benefits beyond stormwater control that can be achieved through these options including: reduced urban temperatures, increased energy efficiency, cleaner air, and community aesthetics.

The terms of five of the 15 seats on the Districts Rate Commission have expired. The Board of Trustees elected to wait until the conclusion of the recent rate change deliberation by the commission to start the process of filling these seats. By Charter, the District advertises for interested organizations in the community to express their interest in serving on the commission. The Board strives to appoint organizations that are collectively reflective of the community we serve. The District will be accepting letter of interest from organizations through November 15<sup>th</sup>. Any organization that desires to be considered in serving on the commission should send a letter of interest to Pam Bell here at MSD. The Board of Trustees will determine which organizations to include on the commission. The selected organizations will then determine whom to appoint as a delegate to the commission. We expect to conclude the selection process by the end of January 2008.

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Mr. Sullivan addressed the Board and indicated that he believes the method in which the District forwarded the rate proposal to the Rate Commission was flawed. It is his opinion that the Board of Trustees should take an action on the submittal prior to it being forwarded to the Rate Commission. Mr. Tyminski responded that the methodology for submitting a proposal to the Rate Commission is a policy decision that was discussed at great length at the time the first submission was made. The ownership of the submittal is that of the District and should come from the District staff. The Board, by interjecting it's authority at the early stage of the process could be viewed as an impairment of the independence of the Rate Commission. Ms. Joyce-Hayes questioned if the legality of the submission process had been reviewed. Mr. Hayman indicated that it had been reviewed and the process followed by the District is on solid legal ground.

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Mr. Clay Stockwell, of Peppertree Village, addressed to Board and briefly discussed the severe erosion problems faced by some residents of his sub-division. He concluded by indicating that some of the homes are in great danger and he thanked the Board for what they have done.

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Mr. John Coffman, a utility rate attorney, spoke on behalf of the American of Association of Retired Persons (AARP). He indicated that members of this organization, which totals approximately 775,000 across the state of Missouri, have voiced concern over the steep increase. He urged the District to use debt financing to help mollify the wastewater rate increase.

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Mr. Mark Drazen addressed to Board and also pointed out that the District's residents would be better served by bond financing a portion of the capital program. this will allow for a reduced impact of the increase in the wastewater rate.

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## CONSENT AGENDA

Ms. Joyce-Hayes requested that Proposed Ordinance Number 37-08 be voted on separately.

ADOPTION OF PROPOSED ORD. NO. 26-08 (ORDINANCE NO. 12514) APPROPRIATING \$45,000,000.00 FROM THE SANITARY REPLACEMENT FUND TO BE USED FOR PROJECT COSTS FOR THE CONSTRUCTION OF THE LEMAY WWTP WET WEATHER EXPANSION (2003067), 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 TARLTON CORPORATION FOR THE CONSTRUCTION OF THE AFORESAID WASTEWATER TREATMENT PLANT.

ADOPTION OF PROPOSED ORD. NO. 27-08 (ORDINANCE NO. 12515) APPROPRIATING \$84,500.00) FROM THE OPERATION, MAINTENANCE AND CONSTRUCTION IMPROVEMENT FUND OF UNIVERSITY CITY BRANCH OF RIVER DES PERES TO BE USED FOR PROJECT COSTS FOR THE CONSTRUCTION OF STORM SEWERS IN BALSON AVE. 7800 BLOCK STORM SEWER (2006131), IN THE CITY OF UNIVERSITY CITY, MISSOURI; AND AUTHORIZING THE EXECUTIVE DIRECTOR AND SECRETARY-TREASURER ON BEHALF OF THE METROPOLITAN ST. LOUIS SEWER DISTRICT TO ENTER INTO A CONTRACT WITH UNNERSTALL CONTRACTING CO., LTD., FOR THE CONSTRUCTION OF THE AFORESAID STORM SEWERS.

ADOPTION OF PROPOSED ORD. 28-08 (ORDINANCE NO. 12516) APPROPRIATING \$134,000.00 FROM THE OPERATION, MAINTENANCE AND CONSTRUCTION IMPROVEMENT FUND OF BLACK CREEK TO BE USED FOR PROJECT COSTS FOR THE CONSTRUCTION OF STORM SEWERS IN RIDGETOP DRIVE STORM SEWER (2006107), IN THE CITY OF RICHMOND HEIGHTS, MISSOURI; AND AUTHORIZING THE EXECUTIVE DIRECTOR AND SECRETARY-TREASURER ON BEHALF OF THE METROPOLITAN ST. LOUIS SEWER DISTRICT TO ENTER INTO A CONTRACT WITH UNNERSTALL CONTRACTING CO., LTD. FOR THE CONSTRUCTION OF THE AFORESAID STORM SEWERS.

ADOPTION OF PROPOSED ORD. NO. 29-08 (ORDINANCE NO. 12517) APPROPRIATING \$35,000.00 FROM THE OPERATION, MAINTENANCE AND CONSTRUCTION IMPROVEMENT FUND OF COLDWATER CREEK TO BE USED FOR THE CONSTRUCTION OF STORM SEWERS IN 130 ST. EDWARD LANE STORM SEWER (2006194), IN THE CITY OF FLORISSANT, 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.

ADOPTION OF PROPOSED ORD. NO. 30-08 (ORDINANCE NO. 12518) APPROPRIATING \$49,000.00 FROM THE OPERATION, MAINTENANCE AND CONSTRUCTION IMPROVEMENT FUND OF DEER CREEK TO BE USED FOR PROJECT COSTS FOR THE CONSTRUCTION OF STORM SEWERS IN 61 CONWAY CLOSE STORM SEWER (2006193), IN THE CITY OF LADUE, MISSOURI; AND AUTHORIZING THE EXECUTIVE DIRECTOR AND SECRETARY-TREASURER ON BEHALF OF THE METROPOLITAN ST. LOUIS SEWER DISTRICT TO ENTER INTO A CONTRACT WITH RST CONTRACTING LLC FOR THE CONSTRUCTION OF THE AFORESAID STORM SEWERS.

ADOPTION OF PROPOSED ORD. NO. 31-08 (ORDINANCE NO. 12519) APPROPRIATING \$115,000.00 FROM THE OPERATION, MAINTENANCE AND CONSTRUCTION IMPROVEMENT FUND OF SUGAR CREEK TO BE USED FOR PROJECT COSTS FOR THE CONSTRUCTION OF STORM SEWERS IN WILDWOOD LN. #75 STORM SEWER (89100), 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 HEARTLAND CONSTRUCTION & EXCAVATING FOR THE CONSTRUCTION OF THE AFORESAID STORM SEWERS.

ADOPTION OF PROPOSED ORD. NO. 32-08 (ORDINANCE NO. 12520) APPROPRIATING \$92,000.00 FROM THE OPERATION, MAINTENANCE AND CONSTRUCTION IMPROVEMENT FUND OF COLDWATER CREEK TO BE USED FOR THE CONSTRUCTION

OF STORM SEWERS IN MUNDY #1480 STORM SEWER (2007045), IN THE CITY OF FLORISSANT, MISSOURI; AND AUTHORIZING THE EXECUTIVE DIRECTOR AND SECRETARY-TREASURER ON BEHALF OF THE METROPOLITAN ST. LOUIS SEWER DISTRICT TO ENTER INTO A CONTRACT WITH SOUTHERN DITCHING & EXCAVATING COMPANY FOR THE CONSTRUCTION OF THE AFORESAID STORM SEWERS.

ADOPTION OF PROPOSED ORD. 33-08 (ORDINANCE NO. 12521) APPROPRIATING \$265,000.00) FROM THE SANITARY REPLACEMENT FUND TO BE USED FOR PROJECT COSTS FOR THE CONSTRUCTION OF SANITARY SEWERS IN LC - 01 FELTON, ARLEE AND VIDA TO CLYDE SANITARY RELIEF PHASE III (90056B), 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 FRED M. LUTH & SONS, INC. FOR THE AFORESAID CONSTRUCTION.

ADOPTION OF PROPOSED ORD. NO. 34-08 (ORDINANCE NO. 12522) APPROPRIATING \$395,000.00 FROM THE OPERATION, MAINTENANCE AND CONSTRUCTION IMPROVEMENT FUND OF UNIVERSITY CITY BRANCH OF RIVER DES PERES TO BE USED FOR PROJECT COSTS FOR THE CONSTRUCTION OF ALBIN AVE. -BRENNER AVE. STORM SEWER (2001091), 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 XL CONTRACTING, INC. FOR THE AFORESAID CONSTRUCTION.

ADOPTION OF PROPOSED ORD. NO. 35-08 (ORDINANCE NO. 12523) APPROPRIATING \$1,100,000.00 FROM THE OPERATION, MAINTENANCE AND CONSTRUCTION IMPROVEMENT FUND OF GRAVOIS CREEK TO BE USED FOR PROJECT COSTS FOR THE CONSTRUCTION OF STORM SEWERS IN KIRKWOOD ROAD - COMMERCE - REARDON (GCKC-140) PHASE II (94025), 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 MULLIGAN CONSTRUCTION, INC. FOR THE CONSTRUCTION OF THE AFORESAID STORM SEWERS.

ADOPTION OF PROPOSED ORD. NO. 36-08 (ORDINANCE NO. 12524) APPROPRIATING \$500,000.00 FROM THE GENERAL FUND OF THE DISTRICT FOR THE OPERATION AND MAINTENANCE OF STREAM FLOW GAUGES IN STREAM FLOW GAUGE OPERATION AND MAINTENANCE (2007266A); AND AUTHORIZING THE EXECUTIVE DIRECTOR AND SECRETARY-TREASURER ON BEHALF OF THE METROPOLITAN ST. LOUIS SEWER DISTRICT TO EXTEND AGREEMENT M-561 WITH THE UNITED STATES DEPARTMENT OF THE INTERIOR (U.S. GEOLOGICAL SURVEY) FOR THE AFORESAID SERVICES.

#### Plan Approval

Lindbergh/Warson Pump Station Elimination (2006081)

This project, located in the city of Creve Coeur at the intersection of Baur and Andes Blvd., is to design and construct approximately 513 feet of 8" inch gravity sanitary sewer and eliminate deteriorating pump station. This project is in the Fiscal Year 2008 Budget and the estimated construction cost is \$235,000.

23 Girard Place #149 Storm Sewer (89052)

This project, located in an area southeast of the intersection of Manchester Road and North Kirkwood Road, in the City of Kirkwood, is to alleviate yard flooding. This project is in the Fiscal Year 2007 Budget and the estimated construction cost is \$343,700.

24 Garden Lane Storm Sewer Phase II (2005074)

This project, located in an area southeast of the intersection of Manchester Road and North Kirkwood Road, in the City of Kirkwood, is to alleviate yard and street flooding. This project is in the Fiscal Year 2006 Budget and the estimated construction cost is \$450,000.

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

Motion passed – 6 ayes, no nays

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

ADOPTION OF PROPOSED ORD. NO. 37-08 (ORDINANCE NO. 12525) APPROPRIATING \$375,000.00 FROM THE GENERAL FUND OF THE DISTRICT FOR THE OPERATION AND MAINTENANCE OF WATER QUALITY SAMPLING IN STREAM FLOW GAUGE OPERATION AND MAINTENANCE (2007266B); AND AUTHORIZING THE EXECUTIVE DIRECTOR AND SECRETARY-TREASURER ON BEHALF OF THE METROPOLITAN ST. LOUIS SEWER DISTRICT TO ENTER INTO CONTRACT 07-131 WITH THE MEC WATER RESOURCES, INC. FOR THE AFORESAID SERVICES.

Motion made by Mr. Rosenberg, seconded by Mr. Karam that proposed Ord. No. 37-08 be adopted.

Motion passed – 5 ayes, no nays, 1 abstain

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

The Chair declared the Consent Agenda adopted and proposed Ord. Nos. 26-08, 27-08, 28-08, 29-08, 30-08, 31-08, 32-08, 33-08, 34-08, 35-08, 36-08 and 37-08, and were assigned Ordinance Nos. 12514, 12515, 12516, 12517, 12518, 12519, 12520, 12521, 12522, 12523, 12524 and 12525.

UNFINISHED BUSINESS

Ordinances

None

Resolutions

None

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NEW BUSINESS

Ordinances

INTRODUCTION OF PROPOSED ORD. NO. 45-08 AUTHORIZING THE EXECUTIVE DIRECTOR AND SECRETARY-TREASURER ON BEHALF OF THE METROPOLITAN ST. LOUIS SEWER DISTRICT TO ENTER INTO CONTRACT E-1217 WITH VOLZ INCORPORATED FOR GENERAL SERVICES AGREEMENT -SURVEYING SERVICES (2008031) FOR THE SURVEYING SERVICES INCLUDING LAND SURVEYS, PROPERTY STRIP MAPS, EASEMENTS, AND OTHER GENERAL SURVEYING SERVICES.

Proposed Ord. No. 45-08 was presented and read. This ordinance authorizes the District to enter into a contract with Volz Incorporated for surveying services associated with the design of sanitary and stormwater projects. Services provided include land surveys, property strip maps, and easements for projects to be completed either in-house or by design consultants. Additional general surveying services will be provided on an as needed basis for legal research, legal descriptions, topographic and land surveys for District facilities, and other requirements of the various District departments. Work will be assigned on a project-by-project basis. This contract is for a maximum of \$150,000, which is included in the FY2008 Engineering Department's Operating Budget.

Motion made by Ms. Joyce-Hayes, seconded by Mr. Karam that proposed Ord. No. 45-08 be introduced.

Motion passed – 6 ayes, no nays

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

INTRODUCTION OF PROPOSED ORD. NO. 46-08 AUTHORIZING THE EXECUTIVE DIRECTOR AND SECRETARY-TREASURER ON BEHALF OF THE METROPOLITAN ST. LOUIS SEWER DISTRICT TO ENTER INTO CONTRACT E-1218 WITH THE STERLING COMPANY FOR GENERAL SERVICES AGREEMENT -SURVEYING SERVICES (2008032) FOR SURVEYING SERVICES INCLUDING LAND SURVEYS, PROPERTY STRIP MAPS, EASEMENTS, AND OTHER GENERAL SURVEYING SERVICES.

Proposed Ord. No. 46-08 was presented and read. This ordinance authorizes the District to enter into a contract with The Sterling Company for surveying services associated with the design of sanitary and stormwater projects. Services provided include land surveys, property strip maps, and easements for projects to be completed either in-house or by design consultants. Additional general surveying services will be provided on an as needed basis for legal research, legal descriptions, topographic and land surveys for District facilities, and other requirements of the various District departments. Work will be assigned on a project-by-project basis. This contract is for a maximum of \$150,000, which is included in the FY2008 Engineering Department's Operating Budget.

Motion by Ms. Joyce-Hayes, seconded by Mr. Karam that proposed Ord. No. 46-08 be introduced.

Motion passed – 6 ayes, no nays

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

INTRODUCTION OF PROPOSED ORD. NO. 47-08 AUTHORIZING THE EXECUTIVE DIRECTOR AND SECRETARY-TREASURER ON BEHALF OF THE METROPOLITAN ST. LOUIS SEWER DISTRICT TO ENTER INTO CONTRACT E-1219 WITH FERGUSON SURVEYING, LLC FOR GENERAL SERVICES AGREEMENT - SURVEYING SERVICES (2008033) FOR THE SURVEYING SERVICES INCLUDING LAND SURVEYS, PROPERTY STRIP MAPS, EASEMENTS, AND OTHER GENERAL SURVEYING SERVICES.

Proposed Ord. No. 47-08 was presented and read. This ordinance authorizes the District to enter into a contract with Ferguson Surveying, LLC for surveying services associated with the design of sanitary and stormwater projects. Services provided include land surveys, property strip maps, and easements for projects to be completed either in-house or by design consultants. Additional general surveying services will be provided on an as needed basis for legal research, legal descriptions, topographic and land surveys for District facilities, and other requirements of the various District departments. Work will be assigned on a project-by-project basis. This contract is for a maximum of \$100,000, which is included in the FY2008 Engineering Department's Operating Budget.

Motion by Ms. Joyce-Hayes, seconded by Mr. Karam that proposed Ord. No. 47-08 be introduced.

Motion passed – 6 ayes, no nays

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

INTRODUCTION OF PROPOSED ORD. NO. 48-08 AUTHORIZING THE EXECUTIVE DIRECTOR AND SECRETARY-TREASURER ON BEHALF OF THE METROPOLITAN ST. LOUIS SEWER DISTRICT TO ENTER INTO CONTRACT E-1220 WITH SABUR SURVEYING, INC. FOR GENERAL SERVICES AGREEMENT -SURVEYING SERVICES (2008034) FOR THE SURVEYING SERVICES INCLUDING LAND SURVEYS, PROPERTY STRIP MAPS,

EASEMENTS, AND OTHER GENERAL SURVEYING SERVICES.

Proposed Ord. No. 48-08 was presented and read. This ordinance authorizes the District to enter into a contract with Sabur, Inc. for surveying services associated with the design of sanitary and stormwater projects. Services provided include land surveys, property strip maps, and easements for projects to be completed either in-house or by design consultants. Additional general surveying services will be provided on an as needed basis for legal research, legal descriptions, topographic and land surveys for District facilities, and other requirements of the various District departments. Work will be assigned on a project-by-project basis. This contract is for a maximum of \$100,000, which is included in the FY2008 Engineering Department's Operating Budget.

Motion by Mr. Buford, seconded by Mr. Rosenberg that proposed Ord. No. 48-08 be introduced.

Motion passed – 5 ayes, no nays, 1 abstain

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

INTRODUCTION OF PROPOSED ORD. NO. 49-08 APPROPRIATING \$262,000.00 FROM THE SANITARY REPLACEMENT FUND FOR ENGINEERING SERVICES FOR THE DESIGN OF SEWER IMPROVEMENTS IN ST. LOUIS CITY PARKS PHASE IV (2007169) IN THE CITIES OF ST. LOUIS AND UNIVERSITY CITY, MISSOURI; AND AUTHORIZING THE EXECUTIVE DIRECTOR AND SECRETARY-TREASURER ON BEHALF OF THE METROPOLITAN ST. LOUIS SEWER DISTRICT TO ENTER INTO CONTRACT NO. E-1221 WITH OATES ASSOCIATES, INC. FOR THE AFORESAID ENGINEERING SERVICES.

Proposed Ord. No. 49-08 was presented and read. This project consists of a condition assessment of the River Des Peres tubes under Forest Park and University City, and the identification and location of sanitary connections which will assist in future sewer separation design. The results will be used to identify future Operations' and Capital Improvement projects.

Motion by Mr. Rosenberg, seconded by Mr. Karam that proposed Ord. No. 49-08 be introduced.

Motion passed – 6 ayes, no nays

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

INTRODUCTION OF PROPOSED ORD. NO. 50-08 APPROPRIATING \$222,000.00 FROM THE OPERATION, MAINTENANCE AND CONSTRUCTION IMPROVEMENT FUND OF DEER CREEK TO BE USED FOR ENGINEERING SERVICES FOR THE DESIGN OF DEER CREEK WATERSHED STORM SEWER IMPROVEMENTS (2007242), IN THE CITIES OF KIRKWOOD, LADUE AND CREVE COEUR, MISSOURI; AND AUTHORIZING THE EXECUTIVE DIRECTOR AND SECRETARY-TREASURER ON BEHALF OF THE METROPOLITAN ST. LOUIS SEWER DISTRICT TO ENTER INTO CONTRACT E-1222 WITH KOWELMAN ENGINEERING, INC. FOR THE AFORESAID ENGINEERING SERVICES.

Proposed Ord. No. 50-08 was presented and read. This project consists of the design and preparation of construction documents for two projects involving approximately 2,620 feet of 12-inch to 48-inch diameter storm sewer and appurtenances. The two projects include Woodleaf Court Storm Sewer Improvements (2006069) and Tealbrook Estates Storm Sewer (2007128). These projects will alleviate yard, street, and basement flooding. The preliminary construction cost estimate is \$965,000. The non-construction costs are 19% of the total estimated program costs. The design costs are 17% of the estimated construction costs.

Motion by Mr. Karam, seconded by Mr. Rosenberg that proposed Ord. No. 50-08 be introduced.

Motion passed – 6 ayes, no nays

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

INTRODUCTION OF PROPOSED ORD. NO. 51-08 APPROPRIATING \$295,000.00 FROM THE OPERATION, MAINTENANCE AND CONSTRUCTION IMPROVEMENT FUND OF COLDWATER CREEK TO BE USED FOR ENGINEERING SERVICES FOR THE DESIGN OF COLDWATER CREEK WATERSHED STORM SEWER IMPROVEMENTS (2007241), IN THE CITIES OF OVERLAND AND FLORISSANT, MISSOURI; AND AUTHORIZING THE EXECUTIVE DIRECTOR AND SECRETARY-TREASURER ON BEHALF OF THE METROPOLITAN ST. LOUIS SEWER DISTRICT TO ENTER INTO CONTRACT E-1223 WITH CIVIL DESIGN, INC. FOR THE AFORESAID ENGINEERING SERVICES.

Proposed Ord. No. 51-08 was presented and read. This project consists of the design and preparation of construction documents for three projects involving approximately 4,925 feet of 12-inch to 48-inch diameter storm sewers and appurtenances. The three projects include Goodale and Verona Storm Improvements (2006140), Midland & Angelo Storm Sewer Improvements (2006146), and Ridgelawn Court Storm Sewer (2007120). These projects will alleviate yard, street, and structure flooding. The preliminary construction cost estimate is \$1,217,000. The non-construction costs are 20% of the total estimated program costs. The design costs are 19% of the estimated construction costs.

Motion by Mr. Rosenberg, seconded by Mr. Karam that proposed Ord. No. 51-08 be introduced.

Motion passed – 6 ayes, no nays

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

ADOPTION OF RESOLUTION NO. 2742 ACCEPTING THE AUGUST 13, 2007 REPORT OF THE RATE COMMISSION REGARDING PROPOSED CHANGES IN THE DISTRICT'S WASTEWATER RATES AND STORMWATER RATES.

Resolution No. 2742 was presented and read. Pursuant to section 7.280(f) of the District's Charter, the Board is asked to accept or reject the Rate Commission Report. This

resolution formally acknowledges the Board of Trustees acceptance of the Rate Commission Report dated August 13, 2007.

Motion made by Mr. Rosenberg, seconded by Ms. Joyce-Hayes that Resolution No. 2742 be adopted.

Motion passed – 6 ayes, no nays

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

INTRODUCTION OF PROPOSED ORD. NO. 52-08 REPEALING AND SUPERSEDING ORDINANCE NO. 12019, ADOPTED JULY 14, 2005, AND ENACTING IN LIEU THEREOF AN ORDINANCE ESTABLISHING A SCHEDULE OF WASTEWATER USER CHARGES, AND ESTABLISHING THE ADJUSTMENT REVIEW COMMITTEE.

Proposed Ord. No. 52-08 was presented and read. This Ordinance enacts new wastewater user charge rate schedule as recommended by Rate Commission to support wastewater capital improvement, operational and maintenance requirements for fiscal years 2007/2008 through 2011/2012.

Motion by Mr. Buford, seconded by Ms. Joyce-Hayes that proposed Ord. No. 52-08 be introduced.

Motion passed – 6 ayes, no nays

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

INTRODUCTION OF PROPOSED ORD. NO. 53-08 REPEALING AND SUPERSEDING ORDINANCE NO. 9183 ADOPTED JANUARY 12, 1994, ORDINANCE NO. 9030, ADOPTED JUNE 16, 1993, AND ORDINANCE NO. 8657, ADOPTED MAY 3, 1992, AND ENACTING A NEW ORDINANCE IN LIEU THEREOF WHICH ESTABLISHES A SCHEDULE OF STORMWATER USER CHARGES AND AUTHORIZES AN ADJUSTMENT REVIEW COMMITTEE.

Proposed Ord. No. 53-08 was presented and read. This Ordinance enacts new impervious area based stormwater user charge rate per 2007 Rate Commission proceedings. This new user charge supports the stormwater capital improvement, operational and maintenance requirements for fiscal years 2007/2008 through 2013/2014.

Motion by Mr. Karam, seconded by Ms. Harshman that proposed Ord. No. 53-08 be introduced.

Motion passed – 6 ayes, no nays

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

INTRODUCTION OF PROPOSED ORD. NO. 54-08 REPEALING ORDINANCE NO. 12466, ADOPTED JUNE 14, 2007, AND ENACTING A NEW ORDINANCE IN LIEU THEREOF, MAKING APPROPRIATIONS FOR CURRENT EXPENSES OF THE DISTRICT, THE WASTEWATER REVENUE FUND, THE STORMWATER REVENUE FUND, THE GENERAL FUND, THE REAL PROPERTY IMPROVEMENTS & ALTERATIONS FUND, THE WATER BACKUP INSURANCE & REIMBURSEMENT FUND, THE EMERGENCY FUND, AND THE WASTEWATER REVENUE BOND SERVICE FUND FOR THE FISCAL YEAR BEGINNING JULY 1, 2007 AND ENDING JUNE 30, 2008, NOT INCLUDING SUMS HEREBY SET APART FOR AND TRANSFERRED TO SPECIAL FUNDS, AMOUNTING IN THE AGGREGATE TO \$174,390,980.00, WHICH SUM IS HEREBY APPROPRIATED FROM THE GENERAL AND SPECIAL FUNDS NAMED TO PAY INTEREST FALLING DUE ON BONDS ISSUED, THE COSTS OF SUPPORT, OPERATION, AND MAINTENANCE OF THE DISTRICT AND ITS VARIOUS SUBDISTRICTS, AND EMERGENCIES.

Proposed Ord. No. 54-08 was presented and read. The purpose of this ordinance is to revise the annual budget to include the Wastewater rate increase and the implementation of a Stormwater impervious rate. It authorizes the various District departments to expend funds during 2007-2008 for wastewater and stormwater operations of the District.

Motion by Ms. Joyce-Hayes, seconded by Mr. Rosenberg that proposed Ord. No. 54-08 be introduced.

Motion passed – 6 ayes, no nays

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

INTRODUCTION AND ADOPTION OF PROPOSED ORD. NO. 55-08 REPEALING ORDINANCE NO. 12497, ADOPTED AUGUST 24, 2007, AND ENACTING A NEW ORDINANCE IN LIEU THEREOF, DETERMINING THE AMOUNT OF TAXES WHICH SHALL BE LEVIED, ASSESSED, AND COLLECTED IN THE YEAR 2007 ON ALL TAXABLE TANGIBLE PROPERTY IN THE DISTRICT WITHIN THE CORPORATE LIMITS OF THE CITY OF ST. LOUIS AND ST. LOUIS COUNTY, RESPECTIVELY, AND IN SUBDISTRICTS WITHIN THE CORPORATE LIMITS OF ST. LOUIS COUNTY AS FOLLOWS: COLDWATER CREEK TRUNK SUBDISTRICT, GRAVOIS CREEK TRUNK SUBDISTRICT, MALINE CREEK TRUNK SUBDISTRICT, WATKINS CREEK TRUNK SUBDISTRICT, SUBDISTRICT NO. 88 (FOUNTAIN CREEK), SUBDISTRICT NO. 89 (LORETTA-JOPLIN), BENEFIT SUBDISTRICT NO. 111 (MARLBOROUGH), SUBDISTRICT NO. 325 (PADDOCK CREEK), SUBDISTRICT NO. 342 (CLAYTON-CENTRAL), SUBDISTRICT NO. 366 (UNIVERSITY CITY BRANCH OF RIVER DES PERES STORMWATER SUBDISTRICT), SUBDISTRICT NO. 367 (DEER CREEK STORMWATER SUBDISTRICT), SUBDISTRICT NO. 369 (SUGAR CREEK), SUBDISTRICT NO. 374 (WEDGEWOOD CREEK), SUBDISTRICT NO. 376 (BLACK JACK-DELLWOOD CREEK), SUBDISTRICT NO. 380 (UPPER PADDOCK CREEK), SUBDISTRICT NO. 448 (MISSOURI RIVER - BONFILS), SUBDISTRICT NO. 449 (MERAMEC RIVER BASIN - M.S.D. SOUTHWEST), SUBDISTRICT NO. 453 (SHREWSBURY BRANCH OF RIVER DES PERES), SUBDISTRICT NO. 454 (SEMINARY BRANCH OF RIVER DES PERES), SUBDISTRICT NO. 455 (BLACK CREEK), SUBDISTRICT NO. 1 OF THE RIVER DES PERES WATERSHED (CREVE COEUR-FRONTENAC AREA), SUBDISTRICT NO. 4 OF THE RIVER DES PERES WATERSHED (NORTH AFFTON AREA), AND SUBDISTRICT NO. 7 OF THE RIVER DES

PERES WATERSHED (WELLSTON AREA), WITH AN EMERGENCY CLAUSE.

Proposed Ord. No. 55-08 was presented and read. The purpose of this ordinance is to make a revision of the 2007 Tax Levy for Shrewsbury Branch River des Peres only. Shrewsbury RDP Tax rates adopted in August were calculated based upon information provided by the State Auditor’s office. The District was provided with inaccurate tax rate ceilings and assessed values for 2006, which is the starting point for determining the 2007 rates.

Motion by Mr. Rosenberg, seconded by Ms. Joyce-Hayes that proposed Ord. No. 55-08 be introduced.

Motion made, seconded and unanimously adopted to suspend the rules to allow for adoption of proposed Ord. No. 58-08.

Motion made by Mr. Rosenberg, seconded by Mr. Buford that proposed Ord. No. 55-08 be adopted.

Motion passed – 6 ayes, no nays

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

INTRODUCTION AND ADOPTION OF PROPOSED ORD. NO. 56-08 VACATING A VARIABLE WIDTH EASEMENT LOCATED IN LOT 17 OF CHESTERFIELD RIDGE ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 350, PAGES 371-372 OF THE ST. LOUIS COUNTY RECORDS, IN ST. LOUIS COUNTY, CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI.

Proposed Ord. No. 56-08 was presented and read. The District has been requested to vacate its rights to a variable width easement. The property owner(s) want to vacate the easement to avoid encroaching on the easement. The District did not pay for the easement and has no future use for the easement.

Motion by Mr. Karam, seconded by Mr. Rosenberg that proposed Ord. No. 56-08 be introduced.

Motion made, seconded and unanimously adopted to suspend the rules to allow for adoption of proposed Ord. No. 56-08.

Motion made by Mr. Rosenberg, seconded by Ms. Joyce-Hayes that proposed Ord. No. 56-08 be adopted.

Motion passed – 6 ayes, no nays

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

The Chair declared proposed Ord. No. 56-08 adopted and it was assigned Ordinance No. 12527.

INTRODUCTION AND ADOPTION OF PROPOSED ORD. NO. 57-08 VACATING A FIVE-FOOT (5') WIDE EASEMENT LOCATED IN LOTS 14-C AND 15-A OF "THE VILLAS AT LINDBERGH PLACE PLAT TWO SUBDIVISION", A SUBDIVISION ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 355, PAGE 542 OF THE ST. LOUIS COUNTY RECORDS, IN ST. LOUIS COUNTY, MISSOURI.

Proposed Ord. No. 57-08 was presented and read. The District has been requested to vacate its rights to an existing ten-foot (10') wide easement. There are no sewers in the easement but there is a retaining wall. Vacating the easement avoids an encroachment. The District has no future use for the easement.

Motion by Mr. Karam, seconded by Mr. Rosenberg that proposed Ord. No. 57-08 be introduced.

Motion made, seconded and unanimously adopted to suspend the rules to allow for adoption of proposed Ord. No. 57-08.

Motion made by Mr. Rosenberg, seconded by Ms. Joyce-Hayes that proposed Ord. No. 57-08 be adopted.

Motion passed – 6 ayes, no nays

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

The Chair declared proposed Ord. No. 57-08 adopted and it was assigned Ordinance No. 12528.

INTRODUCTION AND ADOPTION OF PROPOSED ORD. NO. 58-08 VACATING A THIRTY-FOOT (30') WIDE EASEMENT LOCATED IN A TRACT OF LAND IN THE SOUTHWEST ONE-FOURTH PORTION OF SECTION 35, TOWNSHIP 45 NORTH, RANGE 5 EAST, AS RECORDED IN DEED BOOK 3457, PAGE 390 OF THE ST. LOUIS COUNTY RECORDS, IN ST. LOUIS COUNTY, CITY OF KIRKWOOD, ST. LOUIS COUNTY, MISSOURI.

Proposed Ord. No. 58-08 was presented and read. The District has been requested to vacate its rights to a thirty-foot (30') wide sewer easement. The easement was granted by an individual to a commercial business for installation of sewer and septic tank. The District did not pay for the easement and has no future use for the existing easement to be vacated.

Motion by Mr. Karam, seconded by Mr. Rosenberg that proposed Ord. No. 58-08 be introduced.

Motion made, seconded and unanimously adopted to suspend the rules to allow for adoption of proposed Ord. No. 58-08.

Motion made by Mr. Rosenberg, seconded by Ms. Joyce-Hayes that proposed Ord. No. 58-08 be adopted.

Motion passed – 6 ayes, no nays

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

The Chair declared proposed Ord. No. 58-08 adopted and it was assigned Ordinance No. 12529.

Resolutions

ADOPTION OF RESOLUTION NO. 2739, THE EXECUTIVE DIRECTOR HAS PREPARED A LIST OF PROPOSED EXPENDITURES FOR THE DISTRICT IN THE FORM OF A CAPITAL IMPROVEMENT & REPLACEMENT PROGRAM FOR FISCAL YEAR 2007-2008 IN COMPLIANCE WITH SECTION 7.130 OF THE DISTRICT'S PLAN.

Resolution No. 2739 was presented and read. This resolution will amend the District's adopted Capital Improvement & Replacement Program for fiscal year 2007-2008 by adding the following projects to the Program: Emerling-Evans Drainage Improvements; Ferguson Ave. and Salerno Ct. Storm Improvement; and Eva-Wabash Sanitary Relief Phase II. This authorizes staff to begin implementation of these additional projects and to request adoption of contract authorizations and appropriations during FY2008.

Motion made by Mr. Buford, seconded by Mr. Rosenberg that Resolution No. 2739 be adopted.

Motion passed – 6 ayes, no nays

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

ADOPTION OF RESOLUTION NO. 2740 SECTION 9.3 OF THE PENSION PLAN OF THE METROPOLITAN ST. LOUIS SEWER DISTRICT PROVIDES THAT THE BOARD OF TRUSTEES OF THE DISTRICT, MAY FROM TIME TO TIME, APPOINT ONE OR MORE INVESTMENT MANAGERS TO ACT ON BEHALF OF ANY TRUSTEE OR TRUSTEES OF THE PENSION PLAN WITH RESPECT TO ALL OR A SPECIFIED PORTION OF THE ASSETS OF THE PENSION FUND HELD BY SAID TRUSTEE. SUCH INVESTMENT MANAGERS SHALL BE EITHER (A) REGISTERED AS AN INVESTMENT ADVISER UNDER THE INVESTMENT ADVISERS ACT OF 1940, (B) THE SECURITIES OF INVESTMENT COMPANIES (MUTUAL FUNDS) REGISTERED UNDER THE INVEST-MENT COMPANY ACT OF 1940, (C) A BANK COMMON OR COLLECTIVE TRUST FUND AS DEFINED IN THE INVESTMENT ADVISERS ACT OF 1940, (D) A LEGAL INSURANCE COMPANY QUALIFIED TO MANAGE, ACQUIRE OR DISPOSE OF PLAN ASSETS UNDER THE LAWS OF MISSOURI.

Resolution No. 2740 was presented and read. This action formally authorizes a management agreement and the transfer of assets to Kennedy Capital Management.

Motion made by Ms. Joyce-Hayes, seconded by Mr. Buford that Resolution No. 2740 be adopted.

Motion passed – voice vote; 6 ayes, no nays

ADOPTION OF RESOLUTION NO. 2741, WHEREAS ORDINANCE NO. 12102, ADOPTED OCTOBER 13, 2005, AUTHORIZED THE DISTRICT TO ENTER INTO A SERIES OF CONTRACTS AND AGREEMENTS WITH BANK OF AMERICA N.A., WHEREBY BANK OF AMERICA WOULD PROVIDE BANKING AND SAFEKEEPING SERVICES FOR THE DISTRICT.

Resolution No. 2741 was presented and read. The District re-prices its day-to-day banking services through an RFP process every three years. The incumbent banking institution is Bank of America whose contract is for a two-year fixed term and has a one-year optional renewal provision. Bank of America was chosen from a field of six candidates in 2005 and has provided quality service on a cost effective basis. Part of the District's requirements and objectives is the further migration into the e-banking area which is targeted for the next contract year. This ordinance allows the District to exercise the one-year contract renewal option with Bank of America.

Motion made by Mr. Rosenberg, seconded by Mr. Buford that Resolution No. 2741 be adopted.

Motion passed – voice vote; 6 ayes, no nays

ADOPTION OF RESOLUTION NO. 2743, WHEREAS GREEN INFRASTRUCTURE CAN BE BOTH A COST EFFECTIVE AND AN ENVIRONMENTALLY PREFERABLE APPROACH TO REDUCE STORMWATER AND OTHER EXCESS FLOW ENTERING COMBINED OR SEPARATE SEWER SYSTEMS IN COMBINATION WITH, OR IN LIEU OF, CENTRALIZED HARD INFRASTRUCTURE SOLUTIONS.

Resolution No. 2743 was presented and read. The use of green infrastructure for the management of stormwater is of increasing interest in the community. Green infrastructure methods have the potential to address stormwater quantity and quality issues in the District's service area. In approving this statement of support, the District joins other local and national organizations in advancing the use of green infrastructure to solve water quality problems.

Ms. Joyce-Hayes asked what this resolution does. Mr. Theerman indicated that it lends MSD support to the development of green infrastructure.

Motion made by Mr. Rosenberg, seconded by Mr. Buford that Resolution No. 2743 be adopted.

Motion passed – voice vote; 6 ayes, no nays

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Upon motion made Ms. Joyce-Hayes, seconded by Mr. Rosenberg, and unanimously passed, the meeting adjourned at 6:15 p.m.

Secretary-Treasurer