

JOURNAL OF THE (1411<sup>th</sup>) MEETING OF THE  
BOARD OF TRUSTEES  
THE METROPOLITAN ST. LOUIS SEWER DISTRICT  
OCTOBER 14, 2004 - 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

R. J. Baer, Chair, excused  
H. Crumpton, Vice Chair  
B. J. Margiotta  
M. A. Rhodes  
D. J. Hayes, excused  
J. M. Swartz

Staff Members

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

Also present were Tom Sullivan, 35 N. Central; David Eike, CDM; Jon Bergenthal, Jacobs; Tom Ratzki, Black & Veatch; Jim Coll, Jacobs Civil; Roy Roesch, 2700 Lemay Ferry; Dean Vollmer, 5105 Vermont; Joe Ernst; Don Beck, 6769 Wise; Larry Magee, 3915 Southern Aire; Ed Sweet, Parsons; Dennis Boehle, MSD; Wallace Jones, MSD; Bob McLean, MSD; Bob Rawie, MSD; Steve Gentry, MSD; Rick Rosenberger, AMEC Infrastructure; David Green, MSD; Jim Touslee, Black & Veatch; John Schneiders, Earth Tech; Ried Lowrie, AFSCME/410; Bryane Smith, Jacobs Civil; Mike Reid, Senator Loudon's Office; Phil Sutin, St. Louis Post-Dispatch; Vicki Taylor Edwards, Director of Human Resources; Worris Levine, Director of Information Systems; Steve Brown, Assistant Director of Human Resources; Theresa Bellville, Assistant Director of Finance; John Lodderhose, Assistant Director of Engineering; Lance LeComb, Public Affairs Specialist; Bruce Kozozenski, Manager of Risk Management; Dave Helton, GIS Manager; and Sheri Nackley; Secretary to Board of Trustees.

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

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Motion made by Mr. Margiotta, seconded by Ms. Rhodes, that the Board go into closed session to discuss legal, confidential or privileged matters under §610.021(1), RSMo 1988 Supp.; personnel actions under §610.021(3); and discussions regarding negotiations with employee groups under §610.021(9).

Motion passed – 4 ayes, no nays

Poll taken:	H. Crumpton	aye	M. A. Rhodes	aye
	B. J. Margiotta	aye	J. M. Swartz	aye

No formal action was taken during closed session regarding legal, confidential or privileged matters under §610.021(1), RSMo 1988 Supp. and discussions regarding negotiations with employee groups under §610.021(9).

Action regarding personnel actions under §610.021(3), was posted on October 18, 2004.

Motion made by Mr. Margiotta, seconded by Ms. Swartz, to reconvene into open session.

Motion passed – 4 ayes, no nays

Poll taken:	H. Crumpton	aye	M. A. Rhodes	aye
	B. J. Margiotta	aye	J. M. Swartz	aye

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Upon motion made by Mr. Margiotta, seconded by Ms. Swartz, the Journal of the September 9, 2004 (1410<sup>th</sup>) meeting was unanimously approved.

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There were no comments by the Chair.

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Mr. Margiotta reported on the Program Management Committee meeting. At that meeting, the Committee discussed the items on today's agenda; in particular, the selection process for the outsourced consulting/engineering work for smaller projects, which will be addressed later in the agenda. The Committee also received a report regarding the annexation of an area of Wildwood that will take place in January 2005.

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Mr. Tyminski reported on the Finance Committee meetings held on September 14, 2004 and October 7, 2004.

At the September 14, 2004 meeting, the Committee received a report on global fixed income managers and agreed to interview three firms. At that meeting, Ms. Zimmerman reported on the status of the collection activities, the Alliance conversions and updated the Committee on the monthly financial statements.

At the meeting on October 7, 2004, global fixed income managers were interviewed and the firm of Brandywine was recommended to be approved by the full Board.

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Mr. Theerman, in the report of the Executive Director, indicated that the District is advertising for five upcoming vacancies on the District's Rate Commission. The positions are currently held by the Cooperating School Districts of St. Louis, League of Women Voters of St. Louis, Washington University, St. Louis Clergy Coalition, and the Urban League of Metropolitan St. Louis. These terms are due to expire January 31, 2005, and an ad has been placed in the local newspapers requesting interested candidates apply by November 15, 2004.

He also pointed out that due to the fact that our normally scheduled Board meeting will fall on Veterans' Day, that the November Board meeting will be held on Wednesday, November 10, 2004 at 4:00 p.m.

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Mr. Sullivan noted that the District had a project on the agenda that utilized funds from the Clean Water Capital Improvement Trust Fund. He noted that the trust fund has very specific and limited purposes for which it can be used and requested that the District review the trust documents to assure that the funds are being spent in compliance with what was originally intended.

Mr. Sullivan questioned why the current insurance company for the backup insurance program had backed out of their contract and he questioned the expenditures for the customer satisfaction survey.

Mr. Sullivan also questioned the following agenda items:

Item #36, proposed Ord. No. 98-05; Item #45, proposed Ord. No. 107-05; Item #46, proposed Ord. No. 108-05; and Item #49, proposed Ord. No. 111-05.

Mr. Crumpton requested that Mr. Hayman review the documents for the Clean Water Capital Improvement Trust Fund to assure that funds were being spent in compliance with the trust and requested a report at the next meeting.

Mr. Tyminski indicated that the District's backup insurance carrier had exercised a provision to back out of the contract because they experienced \$2.4 million of losses and felt that they could no longer handle the insurance for the District. The item on the agenda represents a replacement carrier for this line of coverage.

Mr. Crumpton indicated that the expenditures for the Customer Satisfaction Survey were for a new program.

CONSENT AGENDA

ADOPTION OF PROPOSED ORD. NO. 68-05 (ORDINANCE NO. 11854) 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-1062 WITH MUELLER & NEFF REAL ESTATE APPRAISERS & CONSULTANTS, INC. FOR PROFESSIONAL PROPERTY APPRAISAL SERVICES (2004033). – FUNDED FROM THE ENGINEERING DEPARTMENT’S OPERATING BUDGET - \$50,000.00.

ADOPTION OF PROPOSED ORD. NO. 69-05 (ORDINANCE NO. 11855) 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-1063 WITH DINAN REAL ESTATE ADVISORS, INC. FOR PROFESSIONAL PROPERTY APPRAISAL SERVICES (2004034). – FUNDED FROM THE ENGINEERING DEPARTMENT’S OPERATING BUDGET - \$50,000.00.

ADOPTION OF PROPOSED ORD. NO. 70-05 (ORDINANCE NO. 11856) MAKING A SUPPLEMENTAL APPROPRIATION OF \$250,000.00 FROM THE GENERAL FUND OF THE DISTRICT TO BE USED FOR ADDITIONAL ENGINEERING SERVICES FOR THE COMBINED SEWER OVERFLOW LONG TERM CONTROL PLAN UPDATE (95040); AND AUTHORIZING THE EXECUTIVE DIRECTOR AND SECRETARY-TREASURER ON BEHALF OF THE METROPOLITAN ST. LOUIS SEWER DISTRICT TO ENTER INTO AMENDMENT NO. 9 TO CONTRACT E-736 WITH JACOBS CIVIL, INC. FOR THE AFORESAID ENGINEERING SERVICES.

ADOPTION OF PROPOSED ORD. NO. 71-05 (ORDINANCE NO. 11857) MAKING A SUPPLEMENTAL APPROPRIATION OF \$150,000.00 FROM THE GENERAL FUND OF THE DISTRICT FOR ADDITIONAL ENGINEERING SERVICES FOR URBAN STREAM STABILITY EXPERT SYSTEM (2001035); AND AUTHORIZING THE EXECUTIVE DIRECTOR AND SECRETARY-TREASURER ON BEHALF OF THE METROPOLITAN ST. LOUIS SEWER DISTRICT TO ENTER INTO AMENDMENT NO. 4 TO CONTRACT E-1017 WITH THE UNIVERSITY OF MISSOURI – ROLLA FOR THE AFORESAID ENGINEERING SERVICES.

ADOPTION OF PROPOSED ORD. NO. 72-05 (ORDINANCE NO. 11858) APPROPRIATING \$735,000.00 FROM THE GENERAL FUND OF THE DISTRICT FOR THE OPERATION AND MAINTENANCE OF STREAM FLOW GAUGES IN STREAM FLOW GAUGE OPERATIONS AND MAINTENANCE (98060); AND AUTHORIZING THE EXECUTIVE DIRECTOR AND SECRETARY-TREASURER ON BEHALF OF THE METROPOLITAN ST. LOUIS SEWER DISTRICT TO ENTER INTO AGREEMENT M-561 WITH THE UNITED STATES DEPARTMENT OF THE INTERIOR (U.S. GEOLOGICAL SURVEY) FOR THE AFORESAID SERVICES.

ADOPTION OF PROPOSED ORD. NO. 73-05 (ORDINANCE NO. 11859) APPROPRIATING \$1,170,000.00 FROM THE SANITARY REPLACEMENT FUND TO BE USED FOR PROJECT COSTS FOR THE CONSTRUCTION OF SANITARY SEWERS IN ELM TO LARSON PARK SANITARY RELIEF PHASE II (96089A), IN THE CITY OF GLENDALE, MISSOURI; AND AUTHORIZING THE EXECUTIVE DIRECTOR AND SECRETARY-TREASURER ON BEHALF OF THE METROPOLITAN ST. LOUIS SEWER DISTRICT TO ENTER INTO A CONTRACT WITH ESSEX CONTRACTING, INC. FOR THE CONSTRUCTION OF THE AFORESAID SANITARY SEWERS.

ADOPTION OF PROPOSED ORD. NO. 74-05 (ORDINANCE NO. 11860) APPROPRIATING \$1,890,000.00 FROM THE SANITARY REPLACEMENT FUND TO BE USED FOR PROJECT COSTS FOR THE REHABILITATION OF COMBINED SEWERS IN OLD MILL CREEK SEWER REHABILITATION PHASE II – GRAND TO RANKEN (2001065), IN THE CITY OF ST. LOUIS, MISSOURI; AND AUTHORIZING THE EXECUTIVE DIRECTOR AND SECRETARY-TREASURER ON BEHALF OF THE METROPOLITAN ST. LOUIS SEWER DISTRICT TO ENTER INTO A CONTRACT WITH AFFHOLDER, INC. FOR THE REHABILITATION OF THE AFORESAID COMBINED SEWERS.

ADOPTION OF PROPOSED ORD. NO. 75-05 (ORDINANCE NO. 11861) APPROPRIATING \$44,000.00 FROM THE OPERATION, MAINTENANCE AND CONSTRUCTION IMPROVEMENT FUND OF SHREWSBURY BRANCH OF RIVER DES PERES TO BE USED FOR PROJECT COSTS FOR THE CONSTRUCTION OF STORM SEWERS IN SUTHERLAND #7506 STORM SEWER (2003046), IN THE CITY OF SHREWSBURY, 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. 76-05 (ORDINANCE NO. 11862) APPROPRIATING \$585,000.00 FROM THE SANITARY REPLACEMENT FUND TO BE USED FOR PROJECT COSTS FOR THE CONSTRUCTION OF STORM AND COMBINED SEWERS IN SEWER IMPROVEMENTS IN ST. LOUIS CITY PARKS PHASE IIA (2001066C), IN THE CITY OF ST. LOUIS, MISSOURI; AND AUTHORIZING THE EXECUTIVE DIRECTOR AND SECRETARY-TREASURER ON BEHALF OF THE METROPOLITAN ST. LOUIS SEWER DISTRICT TO ENTER INTO A CONTRACT WITH XL CONTRACTING, INC. FOR THE AFORESAID CONSTRUCTION.

ADOPTION OF PROPOSED ORD. NO. 78-05 (ORDINANCE NO. 11863) MAKING A SUPPLEMENTAL APPROPRIATION OF \$75,000.00 FROM THE SANITARY REPLACEMENT FUND FOR ADDITIONAL PROJECT COSTS FOR THE CONSTRUCTION OF SANITARY SEWERS IN MC-05 LACLEDE STA/ROCKSPRING TO CHESHIRE SANITARY RELIEF (90063); IN ST. LOUIS COUNTY, MISSOURI.

ADOPTION OF PROPOSED ORD. NO. 79-05 (ORDINANCE NO. 11864) APPROPRIATING \$46,500.00 FROM THE OPERATION, MAINTENANCE AND CONSTRUCTION IMPROVEMENT FUND OF DEER CREEK FOR THE DISTRICT'S CONTRIBUTION TO THE CITY OF TOWN AND COUNTRY, MISSOURI FOR THE COSTS OF STORMWATER IMPROVEMENTS AS UNDERTAKEN BY SAID CITY IN BALLAS ACRES AND BOPP LANE STORMWATER IMPROVEMENTS (P-25705).

ADOPTION OF PROPOSED ORD. NO. 80-05 (ORDINANCE NO. 11865) APPROPRIATING \$451,000.00 FROM THE OPERATION, MAINTENANCE AND CONSTRUCTION IMPROVEMENT FUND OF MALINE CREEK FOR ENGINEERING SERVICES FOR THE FINAL DESIGN OF HALLSTEAD STORM CHANNEL PHASE IV (MCBJ-230) (2002035); AND AUTHORIZING THE EXECUTIVE DIRECTOR AND SECRETARY-TREASURER ON BEHALF OF THE METROPOLITAN ST. LOUIS SEWER DISTRICT TO ENTER INTO CONTRACT E-1117 WITH REITZ & JENS, INC. FOR THE AFORESAID ENGINEERING SERVICES.

ADOPTION OF PROPOSED ORD. NO. 81-05 (ORDINANCE NO. 11866) APPROPRIATING \$160,000.00 FROM THE IMPROVEMENT FUND FOR ENGINEERING SERVICES FOR THE FINAL DESIGN OF WEAVER AVENUE SANITARY RELIEF SEWER (2003057); AND AUTHORIZING THE EXECUTIVE DIRECTOR AND SECRETARY-TREASURER ON BEHALF OF THE METROPOLITAN ST. LOUIS SEWER DISTRICT TO ENTER INTO CONTRACT E-1118 WITH AMEC INFRASTRUCTURE, INC. FOR THE AFORESAID ENGINEERING SERVICES.

ADOPTION OF PROPOSED ORD. NO. 82-05 (ORDINANCE NO. 11867) APPROPRIATING \$300,000.00 FROM THE SANITARY REPLACEMENT FUND FOR ENGINEERING SERVICES FOR THE FINAL DESIGN OF BELLEFONTAINE #1 LATERAL SANITARY RELIEF (SKME-315) (2003101); AND AUTHORIZING THE EXECUTIVE DIRECTOR AND SECRETARY-TREASURER ON BEHALF OF THE METROPOLITAN ST. LOUIS SEWER DISTRICT TO ENTER INTO CONTRACT E-1119 WITH STOCK & ASSOCIATES CONSULTING ENGINEERS, INC. FOR THE AFORESAID ENGINEERING SERVICES.

ADOPTION OF PROPOSED ORD. NO. 83-05 (ORDINANCE NO. 11868) APPROPRIATING \$310,000.00 FROM THE SANITARY REPLACEMENT FUND FOR ENGINEERING SERVICES FOR THE FINAL DESIGN OF SCHOETTLER SANITARY RELIEF (SKME-018) (2003115); AND AUTHORIZING THE EXECUTIVE DIRECTOR AND SECRETARY-TREASURER ON BEHALF OF THE METROPOLITAN ST. LOUIS SEWER DISTRICT TO ENTER INTO CONTRACT E-1120 WITH COLE & ASSOCIATES, INC. FOR THE AFORESAID ENGINEERING SERVICES.

ADOPTION OF PROPOSED ORD. NO. 85-05 (ORDINANCE NO. 11869) APPROPRIATING \$368,000.00 FROM THE OPERATION, MAINTENANCE AND CONSTRUCTION IMPROVEMENT FUND OF COLDWATER CREEK FOR ENGINEERING SERVICES FOR THE FINAL DESIGN OF FLAMINGO PARK CHANNEL REPLACEMENT (CLD-14) (2001116); AND AUTHORIZING THE EXECUTIVE DIRECTOR AND SECRETARY-TREASURER ON BEHALF OF THE METROPOLITAN ST. LOUIS SEWER DISTRICT TO ENTER INTO CONTRACT E-1122 WITH SAIC ENGINEERING, INC. FOR THE AFORESAID ENGINEERING SERVICES.

ADOPTION OF PROPOSED ORD. NO. 86-05 (ORDINANCE NO. 11870) AUTHORIZING THE EXECUTIVE DIRECTOR AND SECRETARY-TREASURER ON BEHALF OF THE METROPOLITAN ST. LOUIS SEWER DISTRICT TO ENTER INTO CONTRACT E-1123 WITH HORNER & SHIFRIN, INC. FOR GENERAL SERVICES AGREEMENT (SEWER AND PROCESS DESIGN) (2005027). – FUNDED FROM THE ENGINEERING DEPARTMENT'S OPERATING BUDGET - \$80,000.00.

ADOPTION OF PROPOSED ORD. NO. 87-05 (ORDINANCE NO. 11871) AUTHORIZING THE EXECUTIVE DIRECTOR AND SECRETARY-TREASURER ON BEHALF OF THE METROPOLITAN ST. LOUIS SEWER DISTRICT TO ENTER INTO CONTRACT E-1124 WITH DAVID MASON & ASSOCIATES, INC. FOR GENERAL SERVICES AGREEMENT (SEWER AND CHANNEL DESIGN) (2005026). – FUNDED FROM THE ENGINEERING DEPARTMENT'S OPERATING BUDGET - \$90,000.00.

ADOPTION OF PROPOSED ORD. NO. 88-05 (ORDINANCE NO. 11872) MAKING A SUPPLEMENTAL APPROPRIATION OF \$1,320,000.00 FROM THE IMPROVEMENT FUND FOR INFRASTRUCTURE REPAIRS (OPERATIONS – FISCAL YEAR 2005) 2004077 IN THE CITY OF ST. LOUIS AND ST. LOUIS COUNTY, MISSOURI.

ADOPTION OF PROPOSED ORD. NO. 89-05 (ORDINANCE NO. 11873) AUTHORIZING THE EXECUTIVE DIRECTOR AND THE SECRETARY-TREASURER ON BEHALF OF THE METROPOLITAN ST. LOUIS SEWER DISTRICT TO ENTER INTO A CONTRACT WITH FALK HARRISON CREATIVE, WHEREBY FALK HARRISON CREATIVE WILL WRITE, PERFORM GRAPHICS, LAYOUT WORK, PRINTING AND DISTRIBUTION TO COMPLETELY PACKAGE THE DISTRICT'S FISCAL YEAR 2004 ANNUAL REPORT. – FUNDED FROM THE OFFICE OF THE EXECUTIVE DIRECTOR – DIVISION OF PUBLIC AFFAIRS BUDGET - \$35,000 [NOT TO EXCEED])

ADOPTION OF PROPOSED ORD. NO. 90-05 (ORDINANCE NO. 11874) AUTHORIZING THE EXECUTION AND DELIVERY OF CERTAIN DOCUMENTS BY AND ON BEHALF OF THE METROPOLITAN ST. LOUIS SEWER DISTRICT (THE "DISTRICT") IN CONNECTION WITH THE FINANCING OF SEWER IMPROVEMENTS FOR SUBDISTRICT NO. 99048 (WEST WATSON ROAD – NANELL LANE) (THE "PROJECT") THROUGH A LOAN FROM THE MISSOURI DEPARTMENT OF NATURAL RESOURCES (THE "MDNR"), AND AUTHORIZING CERTAIN OTHER ACTIONS PURSUANT THERETO; AND REPEALING ORDINANCE NO. 11666.

Plan Approval

Crosswinds Storm Sewer (2001057)

This project, located in the Cities of Olivette and Ladue, is to prevent yard erosion. This project is in the Fiscal Year 2005 Budget and the estimated construction cost is \$287,000.00.

CSO-Jefferson Barracks Subsystem No. 72 – Mueller Court Stormwater Diversion (2003076C)

This project, located in unincorporated St. Louis County, Missouri, is to reduce stormwater from the combined sewer system. This project is in the Fiscal Year 2004 Budget and the estimated construction cost is \$66,943.00.

Lower Meramec River System Improvements – Mattese Creek Sewer (95066R)

This project, located in unincorporated St. Louis County is to divert flow from the Baumgartner Lagoons to the Lower Meramec River Wastewater Treatment Plant, thereby allowing the Baumgartner Lagoons to be abandoned and decommissioned per the Compliance Agreement with the State Attorney General and the Department of Natural Resources. This project is in the Fiscal Year 2005 Budget and the estimated construction cost is \$2,733,480.00.

Pepperhill Drive Storm Sewer (2001090)

This project, located in Florissant, Missouri, is to alleviate yard flooding. This project is in the Fiscal Year 2004 Budget and the estimated construction cost is \$62,034.00.

Motion made by Mr. Margiotta, seconded by Ms. Swartz, that the Consent Agenda be adopted.

Motion passed – 4 ayes, no nays

Poll taken:	H. Crumpton	aye	M. A. Rhodes	aye
	B. J. Margiotta	aye	J. M. Swartz	aye

The Chair declared the Consent Agenda adopted and proposed Ord. Nos. 68-05, 69-05, 70-05, 71-05, 72-05, 73-05, 74-05, 75-05, 76-05, 78-05, 79-05, 80-05, 81-05, 82-05, 83-05, 85-05, 86-05, 87-05, 88-05, 89-05, and 90-05; were assigned Ordinance Nos. 11854, 11855, 11856, 11857, 11858, 11859, 11860, 11861, 11862, 11863, 11864, 11865, 11866, 11867, 11868, 11869, 11870, 11871, 11872, 11873, and 11874.

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INTRODUCTION AND ADOPTION OF PROPOSED ORD NO. 109-05 (ORDINANCE NO. 11875) VACATING A TEN-FOOT (10') WIDE EASEMENT IN PART OF LOT 1 OF THE RESUBDIVISION OF PART OF LOT 16 OF PARKWOOD ACRES AS RECORDED IN PLAT BOOK 96, PAGE 16 OF THE ST. LOUIS COUNTY RECORDS, IN THE CITY OF MARYLAND HEIGHTS, ST. LOUIS COUNTY, MISSOURI.

Proposed Ord. No. 109-05 was presented and read. The easement to be vacated does not have a sewer in it and the District has no further use for the easement.

INTRODUCTION AND ADOPTION OF PROPOSED ORD. NO. 110-05 (ORDINANCE NO. 11876) AUTHORIZING THE EXECUTIVE DIRECTOR AND SECRETARY-TREASURER ON BEHALF OF THE METROPOLITAN ST. LOUIS SEWER DISTRICT TO EXECUTE A RELEASE INSTRUMENT TO AN AGREEMENT FOR SANITARY SEWER TREATMENT OR DISPOSAL AS ENTERED INTO ON APRIL 6, 1961, BY AND BETWEEN PRECISION AUTOMOTIVE COMPONENTS COMPANY AND ST. LOUIS COUNTY SEWER COMPANY.

Proposed Ord. No. 110-05 was presented and read. The agreement for sanitary sewer and treatment entered between Precision Automotive Components Co. and St. Louis County Sewer Company is requested to be released. This property is under redevelopment as a residential subdivision. Therefore, this agreement is no longer required.

Motion made by Mr. Margiotta, seconded by Ms. Rhodes, that proposed Ord. Nos. 109-05 and 110-05 be introduced.

Motion passed – 4 ayes, no nays

Poll taken:	H. Crumpton	aye	M. A. Rhodes	aye
	B. J. Margiotta	aye	J. M. Swartz	aye

Motion made, seconded and unanimously adopted to suspend the rules to allow for adoption of proposed Ord. Nos. 109-05 and 110-05.

Motion made by Ms. Swartz, seconded by Ms. Rhodes, that proposed Ord. Nos. 109-05 and 110-05 be adopted.

Poll taken:	H. Crumpton	aye	M. A. Rhodes	aye
	B. J. Margiotta	aye	J. M. Swartz	aye

The Chair declared proposed Ord. Nos. 109-05 and 110-05 adopted and they were assigned Ordinance Nos. 11875 and 11876.

UNFINISHED BUSINESS

Ordinances

None.

Resolutions

None.

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NEW BUSINESS

INTRODUCTION OF PROPOSED ORD. NO. 97-05 APPROPRIATING \$79,000.00 FROM THE IMPROVEMENT FUND TO BE USED FOR PROJECT COSTS FOR THE CONSTRUCTION OF STORM SEWERS IN CSO – JEFFERSON BARRACKS SUBSYSTEM NO. 72 – MUELLER COURT STORMWATER DIVERSION (2003076C), 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 CONSTRUCTION OF THE AFORESAID STORM SEWERS.

Proposed Ord. No. 97-05 was presented and read. The work to be done under this contract consists of the construction of approximately 360 lineal feet of 12-inch diameter storm sewers to reduce stormwater from the combined sewer system near Jefferson Barracks in unincorporated south St. Louis County, Missouri. This project is scheduled to be completed in 30 days.

Motion made by Ms. Rhodes, seconded by Ms. Swartz, that proposed Ord. No. 97-05 be introduced.

Motion passed – 4 ayes, no nays

Poll taken:	H. Crumpton	aye	M. A. Rhodes	aye
	B. J. Margiotta	aye	J. M. Swartz	aye

INTRODUCTION OF PROPOSED ORD. NO. 98-05 APPROPRIATING \$2,150,000.00 FROM THE CLEAN WATER CAPITAL IMPROVEMENT TRUST FUND TO BE USED FOR PROJECT COSTS FOR THE REPLACEMENT OF TRICKLING FILTER DISTRIBUTORS AND APPURTENANCES IN BISSELL POINT SECONDARY TREATMENT, TRICKLING FILTER DISTRIBUTOR REPLACEMENT (2002068), IN THE CITY OF ST. LOUIS, MISSOURI; AND AUTHORIZING THE EXECUTIVE DIRECTOR AND SECRETARY-TREASURER ON BEHALF OF THE METROPOLITAN ST. LOUIS SEWER DISTRICT TO ENTER INTO A CONTRACT WITH GROSS MECHANICAL CONTRACTORS, INC. FOR THE AFORESAID PROJECT.

Proposed Ord. No. 98-05 was presented and read. The work to be done under this contract consists of the replacement of six trickling filter distributors and appurtenances. The purpose of this project is to install treatment process improvements to increase plant efficiency. This project is scheduled to be completed in 300 days.

Motion made by Ms. Rhodes, seconded by Ms. Swartz, that proposed Ord. No. 98-05 be introduced.

Motion passed – 4 ayes, no nays

Poll taken:	H. Crumpton	aye	M. A. Rhodes	aye
	B. J. Margiotta	aye	J. M. Swartz	aye

INTRODUCTION OF PROPOSED ORD. NO. 99-05 APPROPRIATING \$310,000.00 FROM THE OPERATION, MAINTENANCE AND CONSTRUCTION IMPROVEMENT FUND OF COLDWATER CREEK TO BE USED FOR PROJECT COSTS FOR CHANNEL BANK STABILIZATION AND APPURTENANCES IN COLDWATER CREEK BANK STABILIZATION – GERALDINE TO ISOLDA (CLD-12) (2001094); IN THE CITIES OF BRECKENRIDGE HILLS AND ST. ANN, MISSOURI; AND AUTHORIZING THE EXECUTIVE DIRECTOR AND SECRETARY-TREASURER ON BEHALF OF THE METROPOLITAN ST. LOUIS SEWER DISTRICT TO ENTER INTO A CONTRACT WITH IDEAL LANDSCAPE GROUP FOR THE AFORESAID CHANNEL BANK STABILIZATION AND APPURTENANCES.

Proposed Ord. No. 99-05 was presented and read. The work to be done under this contract consists of the construction of approximately 1,040 lineal feet of biostabilization. This project is scheduled to be completed in 120 days.

Motion made by Mr. Margiotta, seconded by Ms. Swartz, that proposed Ord. No. 99-05 be introduced.

Motion passed – 4 ayes, no nays

Poll taken:	H. Crumpton	aye	M. A. Rhodes	aye
	B. J. Margiotta	aye	J. M. Swartz	aye

INTRODUCTION OF PROPOSED ORD. NO. 100-05 APPROPRIATING \$700,000.00 FROM THE SANITARY REPLACEMENT FUND TO BE USED FOR PROJECT COSTS FOR THE CONSTRUCTION OF HARLEM – BADEN RELIEF PHASE III (BROADWAY) (2001136), IN THE CITY OF ST. LOUIS, MISSOURI; AND AUTHORIZING THE EXECUTIVE DIRECTOR AND SECRETARY-TREASURER ON BEHALF OF THE METROPOLITAN ST. LOUIS SEWER DISTRICT TO ENTER INTO A CONTRACT WITH SCHUSTER ENGINEERING, INC. FOR THE AFORESAID CONSTRUCTION.

Proposed Ord. No. 100-05 was presented and read. The work to be done under this contract consists of the construction of approximately 1,627 lineal feet of pipe sewers varying in size from 12-inches to 36-inches in diameter, a detention basin, and appurtenances. The purpose of this project is to alleviate property loss and damage due to frequent street flooding due to insufficient capacity of the Harlem sewer system. This project is scheduled to be completed in 210 days.

Motion made by Ms. Swartz, seconded by Ms. Rhodes, that proposed Ord. No. 100-05 be introduced.

Motion passed – 4 ayes, no nays

Poll taken:	H. Crumpton	aye	M. A. Rhodes	aye
	B. J. Margiotta	aye	J. M. Swartz	aye

INTRODUCTION OF PROPOSED ORD. NO. 101-05 APPROPRIATING \$300,000.00 FROM THE CAULKS CREEK CONSTRUCTION FUND TO BE USED FOR PROJECT COSTS FOR THE CONSTRUCTION OF INFRASTRUCTURE REPAIR #087P CAULKS CREEK “A” (P-750) SCREEN/GRINDER (93077F), IN THE CITY OF CHESTERFIELD, MISSOURI; AND AUTHORIZING THE EXECUTIVE DIRECTOR AND SECRETARY-TREASURER ON BEHALF OF THE METROPOLITAN ST. LOUIS SEWER DISTRICT TO ENTER INTO A CONTRACT WITH GROSS MECHANICAL CONTRACTORS, INC. FOR THE AFORESAID CONSTRUCTION.

Proposed Ord. No. 101-05 was presented and read. The work to be done under this contract at Caulks Creek Pump Station “A” consists of the removal of the existing bar screen, installation of channel screen/grinder, replacement of all equipment in grinder room with explosion proof equipment, installation of hoist and rail system for grinder, and installation of chemical feed unit for ferrous chloride. The purpose of this project is to install a screen/grinder system for grinding solids suspended in the wastewater influent channel at the Caulks Creek Pump Station “A”. Elimination of solids from the wastewater influent to the pump station will protect the pump impellers from damage at the station. This project is scheduled to be completed in 210 days.

Motion made by Mr. Margiotta, seconded by Ms. Rhodes, that proposed Ord. No. 101-05 be introduced.

Motion passed – 4 ayes, no nays

Poll taken:	H. Crumpton	aye	M. A. Rhodes	aye
	B. J. Margiotta	aye	J. M. Swartz	aye

INTRODUCTION OF PROPOSED ORD. NO. 102-05 APPROPRIATING \$64,000.00 FROM THE OPERATION, MAINTENANCE AND CONSTRUCTION IMPROVEMENT FUND OF PADDOCK CREEK TO BE USED FOR PROJECT COSTS FOR THE CONSTRUCTION OF STORM SEWERS IN PEPPERHILL DRIVE STORM SEWER (2001090); 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.

Proposed Ord. No. 102-05 was presented and read. The work to be done under this contract consists of the construction of approximately 316 lineal feet of 12-inch to 15-inch diameter storm sewers to alleviate yard flooding on Pepperhill Drive in the City of Florissant, Missouri. This project is scheduled to be completed in 90 days.

Motion made by Mr. Margiotta, seconded by Ms. Rhodes, that proposed Ord. No. 102-05 be introduced.

Motion passed – 4 ayes, no nays

Poll taken:	H. Crumpton	aye	M. A. Rhodes	aye
	B. J. Margiotta	aye	J. M. Swartz	aye

INTRODUCTION OF PROPOSED ORD. NO. 103-05 AUTHORIZING THE EXECUTIVE DIRECTOR AND SECRETARY-TREASURER ON BEHALF OF THE METROPOLITAN ST. LOUIS SEWER DISTRICT TO PURCHASE CERTAIN REAL PROPERTY IN THE CITY OF ST. LOUIS AND ST. LOUIS COUNTY, MISSOURI NECESSARY FOR THE CONSTRUCTION OF SANITARY SEWERS IN GRAVOIS TRUNK (WHITECLIFF PARK TO RDP) SANITARY RELIEF PHASE I (90032). – FUNDED FROM THE ENGINEERING DEPARTMENT'S OPERATING BUDGET - \$5,000.00.

Proposed Ord. No. 103-05 was presented and read. This ordinance authorizes the staff to purchase certain vacant real property located near Weber Road, River Des Peres, and Adelia Avenue in the City of St. Louis and St. Louis County, Missouri. This property is needed to construct a 72-inch to 90-inch sanitary sewer and appurtenances. The Land Reutilization Authority of the City of St. Louis (LRA) acquired the property from Operation Impace (Deed Book 12182003, Page 0238). LRA has informally agreed to accept MSD's Independent Fee Appraisal in the amount of \$5,000.00 for the subject real property of 12,039 square feet. This project is tentatively scheduled to begin construction this fiscal year. This ordinance also authorizes the Executive Director and/or Secretary-Treasurer on behalf of MSD to purchase said real property.

Motion made by Mr. Margiotta, seconded by Ms. Swartz, that proposed Ord. No. 103-05 be introduced.

Motion passed – 4 ayes, no nays

Poll taken:	H. Crumpton	aye	M. A. Rhodes	aye
	B. J. Margiotta	aye	J. M. Swartz	aye

INTRODUCTION OF PROPOSED ORD. NO. 104-05 APPROPRIATING \$120,000.00 FROM THE OPERATION, MAINTENANCE AND CONSTRUCTION IMPROVEMENT FUND OF UNIVERSITY CITY BRANCH OF RIVER DES PERES FOR ENGINEERING SERVICES FOR THE FINAL DESIGN OF ALBIN AVE. – BRENNER AVE. STORM SEWER (2001091); AND AUTHORIZING THE EXECUTIVE DIRECTOR AND SECRETARY-TREASURER ON BEHALF OF THE METROPOLITAN ST. LOUIS SEWER DISTRICT TO ENTER INTO CONTRACT E-1121 WITH SITE DEVELOPMENT ENGINEERING, INC. FOR THE AFORESAID ENGINEERING SERVICES.

Proposed Ord. No. 104-05 was presented and read. This project consists of the design and preparation of construction documents for approximately 1,600 lineal feet of 15-inch to 42-inch diameter storm sewers and appurtenances. The preliminary construction cost estimate is \$390,000.00.

Mr. Hoelscher, with the assistance of staff and a power point presentation, explained the necessity for procuring outsourced consulting/engineering services to handle projects for the District.

He emphasized that the District does not have an adequate staffing level to handle all projects that it faces and to accomplish the goal, it is necessary to augment the District's staff by outsourcing certain consulting work. (Copies of presentation available upon request.)

Mr. Crumpton asked what the minority participation was.

Mr. Hoelscher responded that there is a 10 percent M/WBE requirement.

Mr. Crumpton questioned when does a minority subcontractor have the opportunity to be the prime contractor.

Mr. Hoelscher responded that the decision is at the discretion of the minority contractor.

Motion made by Mr. Margiotta, seconded by Ms. Rhodes, that proposed Ord. No. 104-05 be introduced.

Motion passed – 4 ayes, no nays

Poll taken: H. Crumpton aye M. A. Rhodes aye  
B. J. Margiotta aye J. M. Swartz aye

INTRODUCTION OF PROPOSED ORD. NO. 105-05 AUTHORIZING THE EXECUTIVE DIRECTOR AND SECRETARY-TREASURER ON BEHALF OF THE METROPOLITAN ST. LOUIS SEWER DISTRICT TO ENTER INTO CONTRACT E-1125 WITH GEOTECHNOLOGY, INC. FOR GENERAL SERVICES AGREEMENT – GEOTECHNICAL SERVICES (2005034) FOR THE GEOTECHNICAL SERVICES INCLUDING ROCK AND SOIL ANALYSIS, TESTING, EVALUATION OF FOUNDATIONS, SLOPES AND BEDDING AND OTHER GENERAL GEOTECHNICAL SERVICES. – FUNDED FROM THE ENGINEERING DEPARTMENT’S OPERATING BUDGET - \$25,000.00.

Proposed Ord. No. 105-05 was presented and read. This ordinance authorizes the District to enter into a contract with Geotechnology, Inc. for geotechnical services associated with the design of sanitary and stormwater projects. Services provided include rock and soil analysis, testing, recommendations and evaluation of foundations, slopes, and bedding for projects to be completed either in-house or by design consultants. Work will be assigned on a project-by-project basis. This contract is for a maximum of \$25,000, which is included in the proposed FY2005 Engineering Department’s Operating Budget.

INTRODUCTION OF PROPOSED ORD. NO. 106-05 AUTHORIZING THE EXECUTIVE DIRECTOR AND SECRETARY-TREASURER ON BEHALF OF THE METROPOLITAN ST. LOUIS SEWER DISTRICT TO ENTER INTO CONTRACT E-1126 WITH TECH SERVICE, INC. FOR GENERAL SERVICES AGREEMENT – GEOTECHNICAL SERVICES (2005035) FOR THE GEOTECHNICAL SERVICES INCLUDING ROCK AND SOIL ANALYSIS, TESTING, EVALUATION OF FOUNDATIONS, SLOPES AND BEDDING AND OTHER GENERAL GEOTECHNICAL SERVICES. – FUNDED FROM THE ENGINEERING DEPARTMENT’S OPERATING BUDGET - \$25,000.00.

Proposed Ord. No. 106-05 was presented and read. This ordinance authorizes the District to enter into a contract with Tech Service, Inc. for geotechnical services associated with the design of sanitary and stormwater projects. Services provided include rock and soil analysis, testing, recommendations and evaluation of foundations, slopes, and bedding for projects to be completed either in-house or by design consultants. Work will be assigned on a project-by-project basis. This contract is for a maximum of \$25,000, which is included in the proposed FY2005 Engineering Department’s Operating Budget.

Motion made by Mr. Margiotta, seconded by Ms. Rhodes, that proposed Ord. Nos. 105-05 and 106-05 be introduced.

Motion passed – 4 ayes, no nays

Poll taken: H. Crumpton aye M. A. Rhodes aye  
B. J. Margiotta aye J. M. Swartz aye

INTRODUCTION OF PROPOSED ORD. NO. 107-05 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 A STORM WATER QUALITY EDUCATIONAL SURVEY FOR THE DISTRICT. – FUNDED FROM THE ENGINEERING DEPARTMENT’S OPERATING BUDGET - \$10,000.00.

Proposed Ord. No. 107-05 was presented and read. This contract is to conduct a Storm Water Quality Educational Survey. The District is required to perform certain educational activities as part of the St. Louis County Phase II Storm Water Management Plan and associated NPDES permit. The plan also requires that the District conduct a survey to determine the effectiveness of past educational activities and future educational needs. This survey will be conducted with a combination of mail and phone surveys of MSD’s customers in St. Louis County.

Mr. Lodderhose, with the assistance of a power point presentation, explained that the District is coordinating the stormwater activities of the various communities in the St. Louis area. He explained that the stormwater activities are governed by a group of regulations known as the six minimum controls. He emphasized that one of the controls is a public education program where brochures, videos, and advertisements on cable TV have been distributed. Part of the control is to assess the effectiveness of the education program. Therefore, to obtain appropriate feedback, a survey is to be performed. The survey will be the basis for adjusting future education programs. (Copies of presentation available upon request.)

Ms. Swartz emphasized the necessity of this program to be in compliance with the six minimum controls.

Mr. Crumpton questioned if the cost is reasonable in relation to a survey of 400 customers.

Mr. Theerman indicated that this cost was compared to various standards in the industry and found to be appropriate.

Motion made by Mr. Margiotta, seconded by Ms. Swartz, that proposed Ord. No. 107-05 be introduced.

Motion passed – 4 ayes, no nays

Poll taken:	H. Crumpton	aye	M. A. Rhodes	aye
	B. J. Margiotta	aye	J. M. Swartz	aye

INTRODUCTION OF PROPOSED ORD. NO. 108-05 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 THE 2004 AND 2005 CUSTOMER SATISFACTION SURVEY AND 2005 POST-CONTACT CUSTOMER SERVICE SURVEY FOR THE DISTRICT. – FUNDED FROM THE OFFICE OF EXECUTIVE DIRECTOR – DIVISION OF PUBLIC AFFAIRS' BUDGET - \$42,500.00.

Proposed Ord. No. 108-05 was presented and read. RFP05-015 for MSD Customer Satisfaction Surveying was issued in August 2005. Two firms responded to the RFP. A RFP review committee conducted a review of the firms' proposals and conducted separate oral interviews. After careful consideration of the firms' qualifications, their experience in conducting this type of surveying, and the delivered value, the committee chose the ETC Institute.

Motion made by Ms. Swartz, seconded by Ms. Rhodes, that proposed Ord. No. 108-05 be introduced.

Motion passed – 4 ayes, no nays

Poll taken:	H. Crumpton	aye	M. A. Rhodes	aye
	B. J. Margiotta	aye	J. M. Swartz	aye

INTRODUCTION OF PROPOSED ORD. NO. 111-05 AWARDED A CONTRACT TO ZURICH INSURANCE COMPANY FOR THE DISTRICT'S BLOCKED MAIN SEWER LINE BACKUP INSURANCE AND OVERCHARGED SEWER LINE BACKUP INSURANCE COVERAGE FROM OCTOBER 14, 2004 TO OCTOBER 13, 2005. – FUNDED FROM THE WATER BACKUP INSURANCE & REIMBURSEMENT FUND - \$797,387.00.

Proposed Ord. No. 111-05 was presented and read. Since 1995, MSD has sponsored an insurance program that compensates customers for damage arising from sewer backups that were caused by blocked sewer mains. These claims occur due to the District's liability to inspect its vast sewer system on an annual basis. This ordinance will authorize the District to enter into a contract with Zurich Insurance from November 10, 2004 to November 9, 2005.

Motion made by Ms. Swartz, seconded by Ms. Rhodes, that proposed Ord. No. 111-05 be introduced.

Motion passed – 4 ayes, no nays

Poll taken:	H. Crumpton	aye	M. A. Rhodes	aye
	B. J. Margiotta	aye	J. M. Swartz	aye

Resolutions

None.

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Upon motion made by Mr. Crumpton, seconded by Ms. Rhodes, and unanimously passed, the meeting adjourned at 5:37 P.M.

Secretary-Treasurer