

JOURNAL OF THE (1439<sup>th</sup>) MEETING OF THE  
BOARD OF TRUSTEES  
THE METROPOLITAN ST. LOUIS SEWER DISTRICT  
December 14, 2006 - 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

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; Bill Clark, Horner & Shifrin; Laura Radcliff, A.G. Edwards; Bently Green, CH2M Hill; Lawrence Nwachukwu, M. Listrim, Valdes; John Schilling, Black & Veatch; Greg Edwards, Sasak Properties; Kyna Iman, Kyna Iman LLC; Tom Ratzki, Black & Veatch; Cary Duchene, Black & Veatch; G. White, Kwame, Dave Hasty, CDM; 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 Mr. Buford, 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	J. Buford	aye
	D. Rosenberg	aye	D. Joyce-Hayes	aye
	E. Harshman	aye		

(Mr. Karam arrived during closed session)

During closed session the board had discussion regarding confidential or privileged matters and no votes were taken.

Motion made by Mr. Rosenberg, seconded by Mr. Buford, to reconvene into open session.

Motion passed – 6 ayes, no nays

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

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Upon motion made by Mr. Rosenberg, seconded by Ms. Harshman, the Journal of the November 14, 2006 (1438<sup>th</sup>) Meeting was approved by unanimous voice vote.

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The Chair had no report.

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Mr. Karam reported that the Program Management Committee met on December 5, 2006 at 7:30 a.m., and was attended by trustees Karam, Joyce-Hayes, and Rosenberg. The minutes of the November 2, 2006 meeting were approved.

Staff responded to questions posed during the Public Comment portion of the November Board meeting. Discussion centered on easement acquisition required for FF-02 Phase IV project, easements have been acquired from 9 of 12 property owners. Negotiations are still open pending the filing for condemnation on these three properties. Regarding the questions related to FY2007 Easement Acquisition appropriation that is scheduled for adoption at this meeting, the anticipated number of easements to be acquisition is 227 on 16 different projects.

Staff presented and discussed the agenda items associated with this meeting.

Midland Sanitary Relief – This project will provide for the rehabilitation of 34,000 feet of sewer and 100 structures. Due to the competitive price received, staff has requested that the remaining \$2 million budgeted for this project be appropriated in order to rehabilitate an

additional 28,000 feet of sewer and 80 structures previously identified in this area. This will allow additional needed rehabilitation to be performed elsewhere as part of the District-wide rehabilitation program.

Gravois Trunk Phase IV – The Board approved the design of this project on August 31, 2006 at a cost of \$485,000 for the design of 3,200 feet of sewer. St. Louis County and Trailnet have requested that Phase V of this project, currently planned for FY2008, be designed and constructed at the same time so that the trail system is only disturbed once. Staff is recommending that an amendment for \$479,000 to design an additional 4,300 feet of sewer be added to this contract for Phase V of this project. Staff estimates that approximately \$50,000 is saved by designing both projects at the same time.

Upper Maline Trunk – Staff is requesting that authority to proceed with condemnation on 5 of 19 remaining properties if continuing negotiations are unsuccessful. Staff has followed all State requirements regarding easement acquisition and condemnation and has provided for four months of negotiation instead of the required two months.

Lower Meramec Lift Station – Staff is requesting a transfer of \$500,000 from the unspent appropriation for the Treatment Plant to cover remaining anticipated expenses for the Lift Station. This transfer is required because the delay costs budgeted for in the January 2006 appropriation were \$750,000 greater than anticipated. This appropriation will bring the total project appropriation to \$32,410,000 or \$60,000 greater than budgeted in FY2004.

The meeting was adjourned at 8:40 a.m.

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Ms. Harshman reported that the Stakeholder Relations Committee met on November 16, 2006 at 7:30 a.m. In attendance were trustees Harshman, Buford, Goffstein, Rosenberg, Joyce-Hayes, and Karam.

Based on areas of legal expertise and workload, the District uses outside counsel on an as-needed basis. On January 14, 2005, the District entered into a one-year contract with two (2) additional one-year terms with Armstrong Teasdale, LLP and Thompson Coburn, LLP. When called upon, the firms supply the District legal counsel in the areas of civil litigation, human resources, real property law and administrative matters. Representatives from both firms attended the meeting and answered questions proposed by the Committee. The District's General Counsel informed the Committee that during this fiscal year, the District has currently received and paid invoices totaling approximately \$57,000 for services provided by Armstrong Teasdale and \$28,000 for services provided by Thompson Coburn. Trustee Goffstein requested to review the billings. The Committee voted unanimously to present the contract renewals for both law firms to the full Board at this December Board meeting. Resolutions for Armstrong Teasdale and Thompson Coburn were numbered at 45 and 46 respectively.

Next, the Board discussed the District's state and federal legislative priorities. As in past years, the District will aggressively pursue available funding at both state and federal levels. Copies of the State and Federal priorities were distributed at this meeting and were available to the public. At the end of the public comments section of this meeting, a motion was made for them both to be officially received into the record.

The Committee also discussed the selection of a new state lobbyist. After the October Board meeting, staff was directed to place the position of state lobbyist out for public consideration through public notice in the newspapers and an RFQ. Six (6) lobbyist applied and four (4) were interviewed. In the end, Kyna Iman, LLC was selected for presentment to the Committee. In staff's opinion, Kyna Iman has a good working knowledge of several of the key environmental issues facing the District. The Committee voted unanimously to present Kyna Iman, LLC to the full Board for consideration as an introduction and adoption so that the District's state lobbyist would be under contract in time to start the 2007 Missouri legislative session. The District's Executive Director also stated that the Contract's first phase would be for 18 months versus 12 months so as to remove the selection process from the hectic beginning of the actual legislative session.

Ms. Harshman introduced Kyna Iman as the District's new lobbyist for the 2007 legislative session.

The Committee reviewed the pension benefits as required by Section 2 of Ordinance No. 11781, Section 8.070 of the pension plan of the District, and by the current District Memorandum of Understanding with the unions representing the District employees.

The Committee, with staff, reviewed the District's current pension benefits. The District's plan was compared with other governmental agencies. When comparing the pension benefit formula, post-retirement increases, surviving spouse benefits, lump sum death benefits, disability benefits and health benefits to retirees, the District's plan is competitive. While on plan may pay a greater benefit in one area, overall when evaluating the total benefits provided by the District's pension plan, it provides benefits comparable to the other four governmental plans. After this review, there were no recommendations for revising the pension plan.

The Committee also reviewed the welfare benefits. These are medical, dental, life, AD&D, flexible spending, and long-term disability. The District's benefit consultants assisted the District in the annual review and renewal process for welfare benefits. Solicitation were sent out for bids on the medical, dental, life insurance, and long-term disability coverage. The District reviewed all bids and recommended renewals with the current providers with the exception of long-term disability. Staff's recommendation is to move this coverage from Unum Insurance to Reliance Standard based on cost.

Also presented was a renewal for the Employee Assistance Program (EAP). Based on the proposals, staff recommended renewing with the current provider BJC Employee Assistance Program with no rate increase.

The Committee was in agreement with all staff's recommendations.

Lastly, the staff presented the results of a RFP that the District issued for Customer Service Surveying. Only one firm responded to the RFP – ETC Institute. Staff noted that several firms indicated they did not respond due to the Scope of Work that was being requested, that the work was not within their capabilities, or that they could not offer competitive pricing. Staff also noted that ETC's proposal came in approximately \$10,000 below the District's estimate for these services. The Committee unanimously agreed that ETC is recommended for consideration by the full Board of Trustees.

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Mr. Rosenberg reported that the Finance Committee met held its monthly meeting at 8:00 AM on Tuesday, December 12th. In attendance were Trustees Rosenberg and Buford. At this meeting the Committee was presented a draft report of the Wastewater and Stormwater Rate Proposal by staff. The Committee asked that staff also present the report to the County Executive and the Mayor, as well as the Stakeholder Relations Committee before presenting to the full board for consideration and subsequent submittal to the Rate Commission as a formal rate proposal.

Ms. Hayes commented that both she and the Executive Director have discussed the Rate Change proposal with the Mayor of St. Louis City and the County Executive and their staffs.

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

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Mr. Theerman reported that since our last Board meeting, the District has completed the sale of \$60 million in revenue bonds approved by the voters in February 2004. Laura Radcliff of AG Edwards is present to provide information on the outcome of this most recent bond sale.

Ms. Radcliff, with the aid of a presentation booklet, discussed the specifics of the bond sale. In general, she indicated that the District was able to achieve, both relatively low and absolutely low interest rates due to market conditions on the date of the sale.

Mr. Theerman also reported that at the last Board meeting the District is nearing completion of the first phase of the Lower Meramec Program in South St. Louis County. The work currently underway includes construction of sanitary trunk sewers, a tunnel, a pump station, and a wastewater treatment plant. This phase of the Lower Meramec Program will lead to the elimination of the Baumgartner and Meramec Wastewater Treatment Lagoons. MSD also has an agreement with the State of Missouri to stop the operation of the Baumgartner Lagoon

by December 31, 2006. In spite of safety and structural integrity delays that were experienced when groundwater began to enter the tunnel during construction, we have continued to make every effort to meet the December 31<sup>st</sup> deadline.

Over the last several weeks, staff has had extensive meetings with the contractors involved in the Program and has thoroughly reviewed the work that remains for the tunnel and pump station. We have come to the conclusion that work on both projects will not be completed in time to fulfill our existing agreement with the state and have the Baumgartner Lagoon offline by December 31<sup>st</sup>.

The construction of the tunnel is being completed by boring a 10 foot diameter hole through the rock 200 feet below the ground. The tunneling contractor encountered a seam of porous rock that allowed large quantities of water into the tunneling operation. Not only did it have the potential for flooding out the tunnel boring machine, this water also contained toxic gases that were hazardous to the workers. This porous rock was not expected in spite of substantial geotechnical investigation that took place in advance of the start of construction. I have been in the tunnel myself and the porous rock is a 1-2 inch feature that is very easy to miss even when you know that it is there. Grouting done to seal off the seam of porous rock and stop the flow of water into the tunnel delayed the tunnel construction about 3 months and cost the district in excess of \$6 million dollars. While you never want surprises, the corrective action would have been largely the same if we had known about the porous seam before the contract bid and thus much of the cost would have been experienced anyway.

In addition to this delay the tunneling contractor has been slow to complete the work and is now about 10 months behind schedule. Our contract includes penalties that we are accessing for failing to meet construction deadlines. We have either collected or anticipate collecting over \$4 million in damages from this contractor.

Regarding the pump station, the contractor responsible for that work has been delayed by the completion of the tunneling work. This contractor has also had his mechanical subcontractor go out of business during the project. We believe that these two issues will push the completion of the pump station into mid to late January.

Obviously, we need the tunnel and the pump station available to take the Baumgartner flows to the new treatment plant, the latter of which has been completed for some time and is ready for startup.

He met personally with representatives of the Department of Natural Resources and last week formally requested an extension of the deadline based on the 3 month delay caused by the porous rock feature. If this safety and structural integrity issue had not arisen, we would have reached our present situation 3 months ago and would be in a position to finish on time. While we do not yet have a response to our request, he believes that the state is receptive to the extension.

Perhaps the most important aspect of this issue is the impact of this delay on our ratepayers. This delay - and the subsequent impact on our December 31st deadline with the state, will not raise the cost of this phase of the Lower Meramec Program beyond the \$230

million figure that we reported earlier this year. The penalties for late completion in our contracts are structured to cover all costs associated with a delay. He stressed, our ratepayers will not spend anymore money on this issue and our capital program will not be affected.

Mr. Theerman expected to have an answer from the Department of Natural Resources on our extension request before the end of the month. He will update the Board on the status of that response at a future meeting. As an aside, the fourth and final audit of the Lower Meramec program is slated to start in mid February of next year. The audit firm, Ernst and Young, will perform this final work as part of the audit contract the District entered into in 2003.

On July 19<sup>th</sup> and again on July 21<sup>st</sup> the St. Louis area was hit by extreme weather that caused approximately 149 MSD facilities to lose power. During the worst outage periods we had 6 plants and 66 pump stations with complete power failures. In these storm events the number and duration of the outages necessitated the use of rented portable generators to keep pump stations and treatment plant operational. During the recovery process the District removed a substantial amount of storm related debris from area creeks and drainage ways to prevent localized flooding during rains.

MSD made a number of claims to the federal and state emergency management agencies to recover the costs we incurred in addressing these events. Mr. Theerman was happy to report that the District has recovered \$235,819 or 87% of the total claim. Claims of this sort are heavily scrutinized by the emergency management agencies. He commended the Operations and Finance staffs for doing an excellent job of accounting for our costs MSD incurred.

As you know the District continues to strive to improve its program of inclusion for minority and women owned businesses in all areas of procurement. In the Fall of each year, the St. Louis Minority Business Council holds a competition known as the SLMBC Excellence Awards. The Council solicits nominations from its minority business members for Corporate awards in the following categories:

- Corporation of the Year
- Institution of the Year
- MBE Buyer/Coordinator of the Year

This year, we're pleased to announce that MSD was chosen as the recipient of the award for Institution of the Year. In addition, Ramona Dickens, our Manager of Diversity Programs, was also nominated and chosen as the MBE Buyer/Coordinator of the Year. Everyone that works to improve our program and Ramona Dickens in particular is certainly deserving of this recognition.

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Mr. Greg Edwards from Sasak Corporation addressed the Board regarding a property on New Halls Ferry Road. He indicated that his corporation, which is involved in construction with a four island gas station, would like to pursue settlement on an easement. Mr. Hoelscher responded that the District would be happy to work with him on this issue.

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Mr. Sullivan addressed the Board and again expressed concern about lack of notification of committee meetings on the District's website. Mr. Theerman responded that the District missed a posting for the Program Management meeting, due to the reassignment of some duties. All other committee meetings were posted. He indicated that the dist will continue to post meetings on website. Mr. Sullivan questioned if Parsons Infrastructure does business with the

District. If so, how many contracts do they have? He indicated this firm has gotten itself into trouble with contracts in Iraq. Mr. Theerman responded that the District could provide the board with the number of contracts Parsons is working on. He did note that Parsons Infrastructure is one of our Stormwater Planning Consultants. Mr. Sullivan questioned how many easements were involved with item #14. Mr. Hoelscher responded that it was 227 easements based on actual appraised values. Mr. Sullivan questioned why the appropriation was higher than the bid for the Insituform contract. Both Mr. Hoelscher and Mr. Theerman responded that the contract was bid on a unit price basis. When a favorable bid is received, more work can be performed at a lower price. This issue was brought before the Program Management committee. Because of a favorable bid, the District chose to do more work. Mr. Sullivan questioned why the cost was so high for the HNBT contract when this contract was replacing an existing sewer line? Mr. Theerman responded that it is not quite that simple, that one sewer line is being replaced by the other. There were more technical issues that needed to be addressed. Mr. Sullivan noted that there appears to be more condemnations on the agenda. Mr. Hoelscher responded that people believe their properties are worth more than they actually appraise for. Mr. Sullivan questioned if Kyna Iman had any background with government lobbying. Mr. Hayman indicated that she worked with the District with the 2000 ballot initiative and she worked on the statewide stormwater bond issue. Mr. Sullivan questioned how much was paid to law firms Armstrong Teasdale and Thompson Colburn. Ms. Harshman responded that \$57,000 for Armstrong Teasdale and approximately \$28,000 was paid to Thompson Colburn.

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Mr. Hayman noted that the District will need to adopt its Legislative Priorities for the next Legislative Session. Ms. Harshman moved that the attached Legislative Priorities be adopted by the full Board. Motion was seconded by Mr. Goffstein. It was a voice vote, six ayes, no nays.

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## CONSENT AGENDA

ADOPTION OF PROPOSED ORD. NO. 86-07 (ORDINANCE NO. 12351) APPROPRIATING \$101,000.00 FROM THE SANITARY REPLACEMENT FUND TO BE USED FOR PROJECT COSTS FOR THE CONSTRUCTION OF MACKLIND PUMP STATION IMPROVEMENT (2005120), 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 R. V. WAGNER, INC., FOR THE AFORESAID CONSTRUCTION.

ADOPTION OF PROPOSED ORD. 87-07 (ORDINANCE NO. 12352) APPROPRIATING \$225,000.00 FROM THE OPERATION, MAINTENANCE AND CONSTRUCTION IMPROVEMENT FUND OF THE LOWER MERAMEC RIVER BASIN TO REIMBURSE BRIDLEWOOD, L.L.C. FOR THE COSTS OF CONSTRUCTION OF SANITARY SEWERS AS UNDERTAKEN BY BRIDLEWOOD, L.L.C. IN WILLIAMS CREEK SANITARY INTERCEPTOR PHASE IIA (2000046A) 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 BRIDLEWOOD, L.L.C. WHEREBY THE DISTRICT WILL REIMBURSE BRIDLEWOOD, L.L.C. FOR THE CONSTRUCTION OF SAID SANITARY SEWERS.

ADOPTION OF PROPOSED ORD. NO. 88-07 (ORDINANCE NO. 12353) APPROPRIATING \$2,000,000.00 FROM THE SANITARY REPLACEMENT FUND FOR THE CONSTRUCTION OF PRIMARY AND SECONDARY POWER SUPPLY LINES, A DUAL SUBSTATION AND APPURTENANCES FOR MISSOURI RIVER TREATMENT PLANT IMPROVEMENTS (ELECTRICAL SUPPLY) (99076D), IN THE CITY OF

MARYLAND HEIGHTS, MISSOURI; AND AUTHORIZING THE EXECUTIVE DIRECTOR AND SECRETARY-TREASURER ON BEHALF OF THE METROPOLITAN ST. LOUIS SEWER DISTRICT TO ENTER INTO A UTILITY AGREEMENT WITH UNION ELECTRIC COMPANY D/B/A AMERENUE FOR THE AFORESAID CONSTRUCTION.

ADOPTION OF PROPOSED ORD. NO. 89-07 (ORDINANCE NO. 12354) APPROPRIATING \$140,000.00 FROM THE SANITARY REPLACEMENT FUND FOR ENGINEERING SERVICES FOR THE DESIGN OF BARRETT STATION SANITARY RELIEF (96026) AND AUTHORIZING THE EXECUTIVE DIRECTOR AND SECRETARY-TREASURER ON BEHALF OF THE METROPOLITAN ST. LOUIS SEWER DISTRICT TO ENTER INTO CONTRACT E-1204 WITH ST. LOUIS COUNTY DEPARTMENT OF HIGHWAYS AND TRAFFIC FOR THE AFORESAID ENGINEERING SERVICES.

ADOPTION OF PROPOSED ORD. NO. 90-07 (ORDINANCE NO. 12355) APPROPRIATING \$1,200,000.00 FROM THE SANITARY REPLACEMENT FUND FOR THE ACQUISITION OF EASEMENTS NECESSARY FOR THE CONSTRUCTION OF COMBINED AND SANITARY SEWER PROJECTS REQUIRED TO IMPLEMENT THE DISTRICT'S CAPITAL IMPROVEMENT AND REPLACEMENT PROGRAM (FY2007)(2005115).

ADOPTION OF PROPOSED ORD. NO. 91-07 (ORDINANCE NO. 12356) REPEALING ORDINANCE 9031, AS ADOPTED JUNE 16, 1993, AND ENACTING A NEW ORDINANCE IN LIEU THEREOF ESTABLISHING A LOW INCOME ASSISTANCE PROGRAM PROVIDING FOR REDUCED WASTEWATER USER CHARGES AND STORMWATER SERVICE CHARGES TO ELIGIBLE LOW INCOME CUSTOMERS OF THE METROPOLITAN ST. LOUIS SEWER DISTRICT.

### Plan Approval

#### Midland Sanitary Relief (SKME-226) (2005063A) Separate Sewer Area I/I Reduction

This project is located in the City of Overland. The purpose of this project is to eliminate or reduce inflow/infiltration in the Midland Sanitary Sewer Watershed. This project is in the fiscal year 2006 Budget and the estimated construction cost is \$3,500,000.

#### Coldwater Creek WWTP Offsite Storm Sewer Outfall and Consolidation (2006128)

This project, located in East of Old Halls Ferry and South of Lindbergh in unincorporated St. Louis County, Missouri, is to intercept offsite stormwater with new storm sewer and discharge away from treatment area. This project is in the Fiscal Year 2007 Budget and the estimated construction cost is \$180,000.

Westfield Lane #9 Storm Water (2006070)

This project, located in an area east of New Ballas Road and south of Conway Road, in the Village of Westwood is to address localized runoff causing basement and yard flooding. This project is in the Fiscal Year 2007 Budget and the estimated construction cost is \$124,500.

Spoeede Road S. #324 Storm Sewer (2005134)

This project, located in the City of Creve Coeur is to relieve yard flooding and replace a failed sewer. This project is in the Fiscal Year 2006 Budget and the estimated construction cost is \$100,000.

Conway & Westwood Lake Drive Storm Improvements (2003137)

This project, located in the Village of Westwood is to alleviate yard flooding and erosion. This project is in the Fiscal Year 2006 Budget and the estimated construction cost is \$73,000.00

Covington Road #27 (S-1797)

This project, located in the city of Olivette and is south of Old Bonhomme and west of Dielman, is to eliminate damage to homes and property due to flooding. This project is in the Fiscal Year 2006 Budget and the estimated construction cost is \$125,000.

FF-15 McKelvey/R.R. to Adie Sanitary Relief – Phase I & II (89157A)

This project, located in the city of Maryland Heights, is to alleviate basement backups and overloaded sanitary sewers. This project is in the Fiscal Year 2002 and 2004 Budgets and the estimated construction cost is \$7,680,000.

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

Motion passed – 6 ayes, no nays

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

The Chair declared the Consent Agenda adopted and proposed Ord. Nos. 86-07, 87-07, 88-07, 89-07, 90-07 and 91-07, and were assigned Ordinance Nos. 12351, 12352, 12353, 12354, 12355and 12356.

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UNFINISHED BUSINESS

Ordinances

None

Resolutions

None.

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NEW BUSINESS

Ordinances

INTRODUCTION OF PROPOSED ORD. NO. ORD. NO. 101-07 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.

Proposed Ord. No. 101-07 was presented and read. The work to be done under this contract consists of the construction of approximately 3,041 lineal feet of storm sewers varying in size from 6-inches to 27-inches in diameter and appurtenances. This construction is the second phase of a two-phase storm sewer improvement program. The purpose of this project is to alleviate street and building flooding due to an inadequate storm sewer system. The flooding also causes sanitary basement backups. This project is scheduled to be completed in 270 days.

Motion made by Mr. Rosenberg, seconded by Mr. Goffstein that proposed Ord. No. 101-07 be introduced.

Motion passed – 6 ayes no nays

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

INTRODUCTION OF PROPOSED ORD. NO. 102-07 APPROPRIATING \$67,000.00 FROM THE SANITARY REPLACEMENT FUND TO BE USED FOR PROJECT COSTS FOR THE CONSTRUCTION OF STORM SEWERS IN CSO – DEER CREEK WOODS OUTFALLS L-164

AND L-165 SEPARATION (2006090), 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 MIDWEST TRENCHING & EXCAVATING, INC. FOR THE CONSTRUCTION OF THE AFORESAID CONSTRUCTION.

Proposed Ord. No.102-07 was presented and read. The work to be done under this contract consists of the removal of two CSOs by separating the sanitary flows at 4 homes and connecting directly to a separate sanitary sewer. This project will alleviate basement backups in 2 homes and eliminate CSO in Tilles Park. This project will eliminate two CSOs as part of Section 3 of the District’s Long Term Control Plan. This project is scheduled to be completed in 30 days.

Motion by Mr. Rosenberg, seconded by Mr. Goffstein that proposed Ord. No. 102-07 be introduced.

Motion passed – 5 ayes, no nays, 1 abstain

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

INTRODUCTION OF PROPOSED ORD. NO. 103-07, 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.

Proposed Ord. No. 103-07 was presented and read. The work to be done under this contract consists of the replacement of an inadequate stormwater system by the installation of approximately 212 lineal feet of pipe sewers 15-inches in diameter and appurtenances. The purpose of this project is to address yard flooding of three properties and basement flooding of one property as a result of an inadequate stormwater system. This project is scheduled to be completed in 30 days.

Motion by Mr. Goffstein, seconded by Mr. Rosenberg that proposed Ord. No. 103-07 be introduced.

Motion passed – 6 ayes, no nays

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

INTRODUCTION OF PROPOSED ORD. NO. 104-07 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.

Proposed Ord. No. 104-07 was presented and read. The work to be done under this contract consists of the replacement of approximately 450 lineal feet of pipe sewers varying in size from 12-inches to 18-inches in diameter and appurtenances. The purpose of this project is to eliminate an inadequate storm system and replace it with a properly sized system and construction to address yard erosion and basement flooding. This project is scheduled to be completed in 45 days.

Motion by Mr. Rosenberg, seconded by Mr. Karam that proposed Ord. No. 104-07 be introduced.

Motion passed – 6 ayes, no nays

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

INTRODUCTION OF PROPOSED ORD. NO.105-07, AUTHORIZING THE EXECUTIVE DIRECTOR AND SECRETARY-TREASURER ON BEHALF OF THE METROPOLITAN ST. LOUIS SEWER DISTRICT TO ENTER INTO A CONTRACT WITH MIDWEST TRENCHING & EXCAVATING, INC. FOR THE CONSTRUCTION OF STORM SEWERS IN PRENDERGAST #1745 STORM SEWER REPAIR (INFRASTRUCTURE REPAIR) (2005081), IN ST. LOUIS COUNTY, MISSOURI.

Proposed Ord. No. 105-07 was presented and read. The work to be done under this contract consists of the replacement of approximately 282 lineal feet of pipe sewers 12-inches to 48-inches in diameter and appurtenances, approximately 230 square feet of modular block wall and 100 square yards of rock lining. The purpose of this project is to replace a badly deteriorated 48-inch pipe culvert, eliminate a very large pipe collapse in the 48-inch pipe culvert, restore the channel banks immediately upstream and downstream of the culvert and replace a deteriorated inlet and 12-inch storm pipe. This project is scheduled to be completed in 60 days.

Motion by Mr. Rosenberg, seconded by Mr. Goffstein that proposed Ord. No. 105-07 be introduced.

Motion passed – 5 ayes, no nays, 1 abstain

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

INTRODUCTION OF PROPOSED ORD. NO. 106-07 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.

Proposed Ord. No. 106-07 was presented and read. The work to be done under this contract consists of the construction of the rehabilitation of 34,337 lineal feet of pipe varying in size from 6-inch to 15-inch diameter and manhole rehabilitation of approximately 100 structures. The purpose of this project is to eliminate 2 constructed SSOs. This project is scheduled to be completed in 270 days.

Motion by Mr. Rosenberg, seconded by Ms. Joyce-Hayes that proposed Ord. No. 106-07 be introduced.

Motion passed – 5 ayes, no nays, 1 abstain

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

INTRODUCTION OF PROPOSED ORD. NO. 107-07 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.

Proposed Ord. No. 107-07 was presented and read. The work to be done under this contract consists of the construction of approximately 1,524 lineal feet of pipe sewers varying in size from 15-inches to 30-inches in diameter and appurtenances. The purpose of this project is to intercept offsite stormwater with new storm sewer and discharge away from treatment area. Offsite stormwater entering the plant site has interfered with the water quality of the plant’s stormwater discharge permit. This project is scheduled to be completed in 45 days.

Motion by Mr. Rosenberg, seconded by Ms. Goffstein that proposed Ord. No. 107-07 be introduced.

Motion passed – 6 ayes, no nays

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

INTRODUCTION OF PROPOSED ORD. NO. 108-07 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.

Proposed Ord. No. 108-07 was presented and read. This ordinance appropriates supplemental funds and authorizes the District to enter into Amendment No. 1 with HNTB Corporation. This project consists of the design and preparation of construction documents for approximately 4,270 feet of 12-inch to 72-inch diameter sanitary sewer and appurtenances. The preliminary construction cost estimate is \$3,300,000.00. The amended design appropriation is \$479,000.00. This amendment provides for the design of the next phase of the Gravois Trunk project to accommodate a request from St. Louis County and Trailnet to minimize the number of disturbances to the existing and proposed trails paralleling the sewer alignment when Phases IV and V are constructed. This is the fifth phase of a 14-phase project to provide for the elimination of 23 sanitary bypasses. The non-construction costs are 18% of the total estimated program costs. The design costs are 12% of the estimated construction costs.

Motion by Mr. Goffstein, seconded by Ms. Joyce-Hayes that proposed Ord. No. 108-07 be introduced.

Motion passed – 6 ayes, no nays

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

INTRODUCTION OF PROPOSED ORD. NO. 109-07 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 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.

Proposed Ord. No. 109-07 was presented and read. This ordinance authorizes staff to enter into condemnation proceedings for permanent sewer easements and temporary construction licenses on eight parcels of ground in the City of Ferguson, Missouri. These easements and licenses are needed to construct this project, which consists of approximately 4,500 feet of 66-inch diameter sewers. Two bypasses are to be removed. 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 late this fiscal year.

Motion by Mr. Rosenberg, seconded by Ms. Joyce-Hayes that proposed Ord. No. 109-07 be introduced.

Motion passed – 6 ayes, no nays

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

INTRODUCTION OF PROPOSED ORD. NO. 111-07 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.

Proposed Ord. No. 111-07 was presented and read. Currently the District offers long-term disability coverage to its employees through Unum Provident. During the renewal process for the new plan year commencing February 1, 2007, the Executive Committee reviewed information requested by Gallagher Benefits Services, Inc. from four (4) long-term disability carriers. Based on the information that was received, the recommendation of Gallagher Benefits Services, Inc. and the financial advantages of various options, the Committee elected to transfer the coverage to Reliance Standard effective 2/1/07 with a two year rate guarantee. This results in an annual savings to the District of an estimated \$21,000.

Motion by Ms. Harshman, seconded by Mr. Rosenberg that proposed Ord. No. 111-07 be introduced.

Motion passed – 6 ayes, no nays

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

INTRODUCTION OF PROPOSED ORD. NO. 112-07 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.

Proposed Ord. No. 112-07 was presented and read. Annual Customer Satisfaction Surveying was first conducted by the District in 1996 and is conducted annually. This surveying is used to measure customer awareness of MSD's role in the community and the services that it provides.

Motion by Ms. Harshman, seconded by Mr. Rosenberg that proposed Ord. No. 112-07 be introduced.

Motion passed – 6 ayes, no nays

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

INTRODUCTION OF PROPOSED ORD. NO. 113-07 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.

Proposed Ord. No. 113-07 was presented and read. The District solicited bids and received responses from 5 vendors including the incumbent. The proposals were evaluated based on criteria which included the proposer’s written plan demonstrating the ability to satisfy the requirements of the RFP; fees and total cost; experience and reliability; level of M/WBE; forms and communication material. The committee selected the incumbent, BJC Employee Assistance Program.

Motion by Ms. Harshman, seconded by Mr. Rosenberg that proposed Ord. No. 113-07 be introduced.

Motion passed – 6 ayes, no nays

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

INTRODUCTION AND ADOPTION OF PROPOSED ORD. NO. 110-07 (ORDINANCE NO. 12357), AUTHORIZING THE EXECUTIVE DIRECTOR AND SECRETARY-TREASURER ON BEHALF OF THE METROPOLITAN ST. LOUIS SEWER DISTRICT TO ENTER INTO A CONTRACT WITH KYNA IMAN LLC FOR STATE LEGISLATIVE SERVICES, WHEREBY KYNA IMAN LLC WILL PROVIDE STATE LEGISLATIVE SERVICES FOR THE DISTRICT.

Proposed Ord. No. 110-07 was presented and read. This ordinance allows the District to enter into a contract with Kyna Iman, LLC to provide state legislative services. The eighteen-month contract contains two additional one-year extensions to be exercised at the District’s discretion. This proposed action is suggested subsequent to the issuance of a Request for Qualifications (RFQ) by the District. A total of six (6) firms submitted responses to the RFQ. Notice of the RFQ was mailed to past applicants and was published in area newspapers. The contract will pay an amount not to exceed \$50,000 per year including expenses approved by the District and appropriate for the service. Upon review, it was determined that Kyna Iman, LLC best fits the District’s current needs. Kyna Iman, LLC will subcontract with Penman & Winton Consulting Group on an as-needed basis.

Motion by Mr. Rosenberg, seconded by Ms. Harshman that proposed Ord. No. 110-07 be introduced.

Motion made, seconded and unanimously adopted to suspend the rules to allow for adoption of proposed Ord. No. 110-07.

Motion made by Mr. Goffstein seconded by Mr. Rosenberg that proposed Ord. No. 110-07 be adopted.

Motion passed – 6 ayes, no nays,

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

The Chair declared proposed Ord. No. 110-07 adopted and it was assigned Ordinance No. 12357.

INTRODUCTION AND ADOPTION OF PROPOSED ORD. NO. 114-07 (ORDINANCE NO. 12358) TRANSFERRING FUNDS BY RETURNING \$500,000.00 AS APPROPRIATED BY ORDINANCE NO. 11828, ADOPTED SEPTEMBER 9, 2004, FOR THE LOWER MERAMEC WASTEWATER TREATMENT PLANT (95066A) TO THE SANITARY REPLACEMENT FUND BALANCE, AND APPROPRIATING \$500,000.00 FROM THE SANITARY REPLACEMENT FUND TO BE USED FOR PROJECT COSTS FOR THE CONSTRUCTION OF LOWER MERAMEC RIVER SYSTEM IMPROVEMENTS – LIFT STATION (95066L); IN ST. LOUIS COUNTY, MISSOURI.

Proposed Ord. No. 114-07 was presented and read. This project consists of construction of the Lower Meramec River System Improvements – Lift Station including two 15 mgd base flow pumps, three 40.5 mgd high flow pumps, sump pumps, piping and valves, the pump station building with an elevator, the screening structure building, installation of the screens procured under Contract 95066L1, an odor control biofilter, sewers, site work, and appurtenances.

Motion by Mr. Rosenberg, seconded by Ms. Joyce-Hayes that proposed Ord. No. 114-07 be introduced.

Motion made, seconded and unanimously adopted to suspend the rules to allow for adoption of proposed Ord. No. 114-07.

Motion made by Mr. Rosenberg seconded by Mr. Buford that proposed Ord. No. 114-07 be adopted.

Motion passed – 6 ayes, no nays

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

The Chair declared proposed Ord. No. 114-07 adopted and it was assigned Ordinance No. 12358.

INTRODUCTION AND ADOPTION OF PROPOSED ORD. NO. 115-07 VACATING PORTIONS OF A TEN-FOOT (10') WIDE EASEMENT IN LOTS 9, 10, 11 AND 12 OF DEVONWORTH SUBDIVISION, A SUBDIVISION ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK 352, PAGE 836 THRU 839 OF THE ST. LOUIS COUNTY RECORDS, IN THE CITY OF TOWN AND COUNTRY, ST. LOUIS COUNTY, MISSOURI.

Proposed Ord. No. 115-07 was presented and read. The District has been requested to vacate its rights to a ten-foot (10') wide easement through four (4) lots after a plat revision. The easements on these residential lots were at no cost to the District and the District has no future use for the easements.

Motion by Mr. Rosenberg, seconded by Ms. Joyce-Hayes that proposed Ord. No. 115-07 be introduced.

Motion made, seconded and unanimously adopted to suspend the rules to allow for adoption of proposed Ord. No. 115-07.

Motion made by Mr. Rosenberg seconded by Mr. Buford that proposed Ord. No. 115-07 be adopted.

Motion passed – 6 ayes, no nays

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

The Chair declared proposed Ord. No. 115-07 adopted and it was assigned Ordinance No. 12359.

INTRODUCTION AND ADOPTION OF PROPOSED ORD. NO. 116-07 VACATING A TEN-FOOT (10') WIDE EASEMENT IN A TRACT OF LAND IN THE FRACTIONAL SECTION 33 AND U.S. SURVEY 1920, TOWNSHIP 46 NORTH, RANGE 6 EAST ACCORDING TO DEED BOOK 7875, PAGE 1009-18 OF THE ST. LOUIS COUNTY RECORDS, IN THE CITY OF OVERLAND, ST. LOUIS COUNTY, MISSOURI.

Proposed Ord. No. 116-07 was presented and read. The District has been requested to vacate its rights to a ten-foot (10') wide easement on commercial property after the relocation of sewer. Easements were at no cost to the District and the District has no future use for the easement.

Motion by Mr. Rosenberg, seconded by Ms. Joyce-Hayes that proposed Ord. No. 116-07 be introduced.

Motion made, seconded and unanimously adopted to suspend the rules to allow for

adoption of proposed Ord. No. 116-07.

Motion made by Mr. Rosenberg seconded by Mr. Buford that proposed Ord. No. 116-07 be adopted.

Motion passed – 6 ayes, no nays

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

The Chair declared proposed Ord. No. 116-07 adopted and it was assigned Ordinance No. 12360.

INTRODUCTION AND ADOPTION OF PROPOSED ORD. NO. 117-07 REPEALING ORDINANCE NO. 12103 ADOPTED OCTOBER 13, 2005 AND ENACTING A NEW ORDINANCE IN LIEU THEREOF PRESCRIBING THE SALARY OF THE SECRETARY-TREASURER OF THE METROPOLITAN ST. LOUIS SEWER DISTRICT.

Proposed Ord. No. 117-07 was presented and read. Additional Comments: Section 8.070 of the District Charter requires that the salary of the Secretary-Treasurer be set by ordinance. This ordinance increases the salary for the position of Secretary-Treasurer 5% to \$136,269.

Motion by Mr. Rosenberg, seconded by Mr. Goffstein that proposed Ord. No. 117-07 be introduced.

Motion made, seconded and unanimously adopted to suspend the rules to allow for adoption of proposed Ord. No. 117-07.

Motion made by Mr. Rosenberg seconded by Ms. Joyce-Hayes that proposed Ord. No. 117-07 be adopted.

Motion passed – 6 ayes, no nays

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

The Chair declared proposed Ord. No. 117-07 adopted and it was assigned Ordinance No. 12361.

Resolutions

ADOPTION OF RESOLUTION NO. 2695, RENEWING THE CONTRACT WITH HYATT LEGAL PLANS, INC. FOR GROUP LEGAL SERVICES FOR EMPLOYEES OF THE METROPOLITAN ST. LOUIS SEWER DISTRICT.

Resolution No. 2695 was presented and read. The District entered into an agreement to offer legal services with Hyatt Legal Plans, Inc effective 12/14/00. During the

renewal process for the new plan year commencing February 1, 2007, the Executive Committee elected to exercise its option to renew the current agreement for an additional year at the current rates based on the recommendation of Gallagher Benefits Services, Inc. This is a voluntary program that employee's are allowed to utilize at their own cost.

Motion made by Mr. Rosenberg, seconded by Ms. Harshman that Resolution No. 2695 be adopted.

Motion passed – voice vote; 6 ayes, no nays

**ADOPTION OF RESOLUTION NO. 2696, RENEWING THE CONTRACT WITH TRI-STAR BENEFITS SYSTEMS FOR THE DISTRICT'S FLEXIBLE BENEFIT PLAN AND PRESCRIPTION EYEWEAR PLAN.**

Resolution No. 2696 was presented and read. The District offers a Flexible Spending Account Plan as prescribed under Section 125 of the Internal Revenue Code as one of the employee benefit programs. Under the FLEX Plan, employees are given the opportunity to make pre-tax contributions to reimbursement accounts to pay for qualifying expenses such as childcare or non-reimbursed health care expenses. In addition, the District has a reimbursement account that reimburses District employees for prescription eyewear up to \$100 per fiscal year. This plan is currently administered by Tri-Star Benefits. The Committee elected to exercise its option to renew the current agreement for an additional year at current rates.

Motion made by Mr. Rosenberg, seconded by Ms. Harshman that Resolution No. 2696 be adopted.

Motion passed – voice vote; 6 ayes, no nays

**ADOPTION OF RESOLUTION NO. 2684, RENEWING THE CONTRACT WITH AETNA U.S. HEALTHCARE FOR DENTAL PLAN BENEFITS FOR DISTRICT EMPLOYEES.**

Resolution No. 2684 was presented and read. During the renewal process for the new plan year commencing February 1, 2007, the Executive Committee reviewed information requested by Gallagher Benefits Services, Inc. from six (6) dental plan carriers. Based on the information that was received, the recommendations of Gallagher Benefits Services, Inc. and the financial advantages of various options, the Committee elected to exercise its option to renew the current agreement for an additional year.

Motion made by Mr. Rosenberg, seconded by Ms. Harshman that Resolution No. 2684 be adopted.

Motion passed – voice vote; 6 ayes, no nays

**ADOPTION OF RESOLUTION NO. 2685 RENEWING THE CONTRACT WITH UNIMERICA FORGROUP LIFE AND ACCIDENTAL DEATH & DISMEMBERMENT INSURANCE COVERAGE**

FOR DISTRICT EMPLOYEES.

Resolution No. 2685 was presented and read. The District entered into an agreement to offer Life and Accidental Death and Dismemberment benefits with Unimerica Workplace Benefits effective 2/1/06 with a renewal rate guarantee through 1/31/08 at the option of the District. During the renewal process for the new plan year commencing February 1, 2007, the Executive Committee elected to exercise its option to renew the current agreement for an additional year based on the recommendation of Gallagher Benefits Services, Inc.

Motion made by Mr. Rosenberg, seconded by Ms. Harshman that Resolution No. 2685 be adopted.

Motion passed – voice vote; 6 ayes, no nays

ADOPTION OF RESOLUTION NO. 2686 RENEWING THE CONTRACT WITH UNITED HEALTHCARE OF THE MIDWEST, INC. FOR ADMINISTRATIVE SERVICES FOR THE DISTRICT'S SELF-INSURED HEALTH PLAN FOR DISTRICT EMPLOYEES AND FAMILY MEMBERS.

Resolution No. 2686 was presented and read. During the renewal process for the new plan year commencing February 1, 2007, the Executive Committee reviewed information requested by Gallagher Benefits Services, Inc. from six (6) medical plan carriers. Based on the information that was received, the recommendations of Gallagher Benefits Services, Inc. and the financial advantages of various options, the Committee elected to exercise its option to renew the current agreement for an additional year.

Motion made by Mr. Rosenberg, seconded by Ms. Harshman that Resolution No. 2686 be adopted.

Motion passed – voice vote; 6 ayes, no nays

ADOPTION OF RESOLUTION NO. 2687 RENEWING THE CONTRACT WITH ARMSTRONG TEASDALE LLP FOR GENERAL LEGAL SERVICES FOR THE DISTRICT.

Resolution No. 2687 was presented and read. Ordinance No. 11927 authorized the contract with Armstrong Teasdale LLP, and provided for two one-year renewals. This Resolution authorizes the second renewal of said contract.

Motion made by Mr. Buford, seconded by Mr. Rosenberg that Resolution No. 2687 be adopted.

Motion passed – voice vote; 6 ayes, no nays

ADOPTION OF RESOLUTION NO. 2688 RENEWING THE CONTRACT WITH THOMPSON COLBURN LLC FOR GENERAL LEGAL SERVICES FOR THE DISTRICT.

Resolution No. 2688 was presented and read. Ordinance No. 11927 authorized the contract with Thompson Coburn LLC, and provided for two one-year renewals. This Resolution authorizes the second renewal of said contract.

Motion made by Mr. Buford, seconded by Mr. Rosenberg that Resolution No. 2688 be adopted.

Motion passed – voice vote; 6 ayes, no nays

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Upon motion made by Ms. Joyce-Hayes, seconded by Mr. Goffstein, and unanimously passed, the meeting adjourned at 5:45 p.m.

Secretary-Treasurer

Proposed Legislative Priorities for  
Metropolitan St. Louis Sewer District  
2007 Legislative Sessions

State Legislative Priorities

- Assist the District in securing additional SRF funding. Renewal and authorization of \$20M in grant monies for First Class Counties in 2006. Pursue \$6-8M grant money for MSD.
- Pursue alternative ways for the District to aggressively reduce its past due receivables.
- Actively oppose any and all proposed legislation that prevents, hinders and/or denies the District the ability to actively and systematically collect bills incurred for services rendered.
- Identify and secure grant money from the Homeland Security funding administered by the State of Missouri.
- Support actions establishing that state water regulations should not be more restrictive than the Federal regulations.
- Develop a bill under which MDNR permit applications are automatically enacted if action is not taken within 180 days.
- Support initiatives that can enhance the District's financial performance and debt management capabilities.
- Pursue state capital funding for stormwater projects in MSD's service area. Pursue up to \$8M in matching stormwater grants for fiscal years '06 and '07.
- Assist the newly created joint interim Senate/House Committee charged with reviewing and changing, as necessary, water permit fees and the development of a new funding source for stormwater programs. This Committee will in 2007 shape legislation that significantly deals with wastewater and stormwater programs.
- Support legislation authorizing bond sales at the state level.
- Develop and support legislation which enhance the financial viability and operations of the District. This action shall include, but not be limited to evaluating and if appropriate, pursuing the use of derivatives for hedging purposes, the use of guaranteed investment contracts, such as those used by the SRF program and development of the individual pass-through loan program.
- Pursue the creation of legislation granting the District relief from the burdensome costs associated with relocating the lines of other utilities placed above those of the District when the District needs to repair its own lines.

- To pursue the creation of legislation that eliminates the financial and procedural burdens placed on District's operations by the Missouri Condemnation law.
- Consistent with the District's legislative outreach efforts, continue the open lines of communication MSD has established with legislators and be proactive in contacting newly elected legislators in order to enhance their understanding of MSD's function. Maintain a working relationship with the Governor's office and other state department offices and officials at the direction of the Intergovernmental Relations Committee and the Board.
- Continue to monitor and identify legislation helpful or detrimental to MSD and customers it serves and implement the legislative priorities approved by the Intergovernmental Relations Committee and the Board.

Proposed Legislative Priorities for  
Metropolitan St. Louis Sewer District  
2007 Legislative Sessions

Federal Legislative Priorities

- Continue to seek project funding through the VA-HUD and Independent Agencies Appropriations Bills for new construction at the MSD's Missouri River Wastewater Treatment Plant to increase capacity and to better accommodate wet weather flows. Explore funding for water environmental protection activities jointly sponsored by MSD and other environmental organizations.
- Maintain and expand the strong working relationships the District has established with its congressional leaders both in Washington, D.C. and in their local St. Louis offices. Develop contact strategies that allow MSD to more aggressively pursue appropriations and authorization activities. Have certain board members and staff visit Washington to participate in face-to-face meetings to push the District's funding priorities.
- Continue to seek funding through Energy and Water Appropriations Bills for CSO's. Continue to work for increase in authorization from \$15 million to \$35 million for these projects if Congress does not approve the WRDA (Water Resources Development Act) bill before adjourning for the year. (The bill currently in a House-Senate conference negotiation contains the increase.)
- If WRDA bill fails to pass, seek authorization for Deer Creek and Black Creek buyouts and credit for past work on River Des Peres Project. (The bill currently in a House-Senate conference negotiation contains the Des Peres authorization and the final version may contain the other authorizations.)
- Seek to secure and increase funding for wastewater and stormwater projects through Federal grants and SRF funding.
- Support legislation establishing a Cleanwater America Trust Fund for water infrastructure or other similar legislation that expands water funding.
- Explore possibility of obtaining Federal funding for floodwall improvements.
- Explore inclusion of wastewater funding into any bill the Congress may consider and pursue federal funding for safety and security upgrades at MSD.
- Continue to monitor and identify legislation helpful or detrimental to MSD and its customers and implement action plans that have been approved by the Stakeholder Relations Committee and the Board.
- Review new proposed legislation offered by NACWA calling for tax to support water infrastructure needs and determine whether to provide support.

- Work with NACWA and WEF on all legislative priorities for wastewater that may benefit MSD.