

**BOONE COUNTY REGIONAL SEWER DISTRICT
BOARD OF TRUSTEES MEETING
AUGUST 21, 2012
BOONE COUNTY REGIONAL SEWER DISTRICT OFFICE
1314 NORTH SEVENTH STREET**

Trustees Present: David Shorr, Vice Chair
Debbie Schnedler, Secretary
Karen Miller, Trustee
John Massey, Trustee

Absent: Randy Chann, Chair

Others Present: Tom Ratermann, General Manager
Lesley Oswald, Assistant Secretary & Treasurer
Stan Shawver, Boone County Planning and Building Inspection
John Whiteside, General Counsel
Dwayne Cooksey, Operations Superintendent
Andy Lister, Project Manager

David Shorr, Acting Chair, called the August 21, 2012, Board of Trustees meeting to order at 7:00 p.m. Shorr noted there was a quorum.

Approval of Revised Agenda

On a motion by Debbie Schnedler and a second by John Massey, the Board moved to approve the revised agenda. Motion carried unanimously.

Approval of Minutes

On a motion by John Massey and a second by Debbie Schnedler, the Board moved to approve the minutes for the July 2012 board meeting as written. Motion carried unanimously.

Approval of Financial Reports

Lesley Oswald reviewed the financials.

On a motion by Debbie Schnedler and a second by John Massey, the Board moved to approve the Cash Receipts & Disbursements, Bank Reconciliation and Financial Statements for July. Motion carried unanimously.

Public Comment

No public comment.

Manager's Report Easement Acquisition Report

Ratermann reviewed the report that was included in the packet.

Planning and Zoning Update

Stan Shawver reviewed the agenda from the last Planning and Zoning meeting.

Permit Status Report

Ratermann reviewed the report that was included in the packet.

Disinfection Deadlines

Ratermann reported there were no changes.

SRF Intended Use Plan (IUP) Update

Ratermann reported a letter was received from MDNR stating that District projects will be moved to SRF fundable list.

Report on Letters of Warning (LOW)/ Notices of Violation (NOV)

Ratermann noted the board requested this information in July. Ratermann reviewed the report that was included in the packet.

Report on 303(D) List in Boone County

Ratermann noted the board requested this information in July. Ratermann reviewed the report that was included in the packet. Ratermann noted there is a schedule posted on MDNR's website for TMDLs for all the streams on the list. He reported that the TMDLs are supposed to come out this year. Karen Miller reported that the TMDLs that have been put out for public comment so far are impractical. She noted we need to be diligent in getting in public comments. Shorr reported that MDNR is issuing TMDLs for streams that are compliant.

South Route K WWTP Closures

Ratermann noted the Arrowhead WWTP is still sitting where it was at the end of the project. Shorr suggested that the District send a certified letter to the Arrowhead Lake Homeowner's Association.

On a motion by John Massey and a second by Debbie Schnedler, the Board moved to accept the Manager's Report as presented. Motion carried unanimously.

Operations and Maintenance Report – Dwayne Cooksey

Cooksey reviewed the O & M Report as written.

On a motion by Karen Miller and a second by John Massey, the Board moved to accept the O & M Report as presented. Motion carried unanimously.

Safety Report

Oswald reviewed the Safety Report as written.

On a motion by John Massey and a second by Debbie Schnedler, the Board moved to accept the Safety Report as presented. Motion carried unanimously.

Status Report (Work in Progress)

Ratermann reviewed the status of work in progress. There was some discussion of note on the following projects:

CIP – Construction

Clearview – Rayfield PS & Force Main – SKW – Capital RR – \$603,703

Ratermann noted the Rayfield lagoon is out of service being dewatered.

City – North Fork of the Grindstone Phase 2 – High School Sewer – \$600,000

Ratermann reported that the project has begun.

CIP – Design & Easement Acquisition

Rocky Fork WRF – SKW – Design funded by 2007B SRF Loan – \$842,114 (Bon Gor, Phenora South, Wagon Trail, County Downs & Powell)

Rocky Fork WRF – Clearview – SKW

Ratermann said bids on equipment are due August 31. He noted the plan is to award a contract on equipment at the next meeting and order shop drawings for a nominal fee that will be assignable to the construction bid.

Tier 2

City – Prathersville Area

Ratermann said that the Burnams are acquiring easements from APAC. He noted that all mobile homes have been removed. He reported that he had another conversation with MDNR about private systems in the area.

Rocky Fork WRF – Green Hills Mobile Home Park

Ratermann reported that discussion with the owner is on-going.

NID

Kinkade Crossings – Hinton Rd. Sanitary Sewer NID

Ratermann stated the regulation approved last meeting was shared with the owner who is ready to connect.

Phenora North Sanitary Sewer NID

Ratermann stated this area has applied to form a NID. He noted that he sent a report to the county treasurer and auditor.

Misc

Hinkson Creek (303d list)

Miller said that the report from the Action Team will be submitted to stakeholders for review and to make recommendations to policy holders on budget considerations.

On a motion by Karen Miller and a second by John Massey, the Board moved to accept the Status Report as presented. Motion carried unanimously.

Agenda Items

Consider Amendments with SKW for the Rocky Fork (including Clearview) and Consider Amendment #13 SRF Loan Reapplication NTE \$2,100

Schnedler asked if the cost for SRF loan reapplications is justified. Ratermann reviewed some of the duties involved. Schnedler said she questioned whether the cost was justified unless there is change in the scope of the actual project. She suggested that these kinds of costs may better be spent adding District personnel. Shorr asked if the application must be filled out by an engineer. Ratermann said this was not a stipulation of the application. Shorr agreed that the Board should look at this in the future and consider if there is opportunity for more staff and less contract expense.

Consider Amendment #15 Geotechnical Services in the NTE \$57,360

Debbie Schnedler asked if SKW needs to have someone on site for 160 hours at \$70 an hour. Ratermann said he asked for this but it could be taken out. He noted there is a fair amount of legwork with getting access with property owner relations, etc. He said that if SKW doesn't perform these duties the project manager would not have as much time for land acquisition.

Miller noted that the provision doesn't seem to have a not to exceed (NTE) stipulation. Ratermann stated this is in the original contract. Shorr recommended that each proposal should have a provision that is hourly with a NTE. He noted that amendments can override the original contract.

On a motion by Karen Miller and a second by Debbie Schnedler, the Board moved to approve two engineering contract amendments with SKW including Amendment 13 for SRF Loan Reapplication NTE \$2,100 and Amendment 15 for Geotechnical Services without provision #2 and with a revised NTE of \$45,900; the motion further states that each provision in both amendments be written as hourly with a not to exceed provision. Signature by the general manager on both amendments is approved after review and approval of the changes to Amendment 15 by general counsel. Motion passed.

Consider Settlement Agreement with Blue Acres, Inc. in the Amount of \$2,927.60

Ratermann reviewed the history of this issue. He noted since the last Board meeting there has been some contact with Ed Sachs. Miller suggested we may need to pay interest. Massey noted that Blue Acres was responsible for hooking the electricity for the pump station to their electric meter.

John Whiteside said that Adron Perry as an individual person cannot submit this claim for a corporation. Whiteside recommends approval of the release agreement in the packet. He noted that the settlement must be paid to Blue Acres Inc once the release agreement is signed by the

president and secretary.

On a motion by John Massey and a second by Debbie Schnedler the Board moved to approve a Settlement Agreement with Blue Acres, Inc. in the Amount of \$2,927.60. Motion passed.

**Accept Bill of Sale and Easements on one lot extensions for
Whipple connection to Cedar Gate
Swope connection to Sunrise Estates
Acton connection to Wade School Road**

On a motion by Karen Miller and a second by John Massey the Board moved to accept the bills of sale and easements for the Whipple, Swope and Acton one lot extensions. Motion passed.

Consider Agreement with City of Rocheport

Ratermann reviewed the agreement that was included in the packet. Ratermann noted that the issues discussed in previous meetings are covered in this agreement prepared by Matt Uhrig.

Schnedler expressed concern over the District assuming a small borrower loan since this is a program for which the district wouldn't qualify. Ratermann said there has been communication with MDNR and they are aware of the District's intention to pay this loan. Schnedler asked if the cash is available. Ratermann noted that the loan was part of this year's budget.

On a motion by Karen Miller and a second by Debbie Schnedler, the Board moved to approve the Agreement with the City of Rocheport. Motion passed.

Shorr asked if the agreement allowed for different classes of users and rates if needed in the future. Ratermann noted that this was in the agreement.

**Consider Engineering contract Amendments for SRF Loan Reapplication for
SKW for the Twin Lakes NTE of \$2,300
A Civil Group for Spring Park NTE of \$1,980
Engineering Surveys and Services for Sunrise Estates NTE of \$2,000**

On a motion by John Massey and a second by Debbie Schnedler the Board moved to approve amendments to the engineering contracts for preparing and filing a re-application for SRF funding for the following projects and engineers: SKW for the Twin Lakes NTE of \$2,300, A Civil Group for Spring Park NTE of \$1,980, and Engineering Surveys and Services for Sunrise Estates NTE of \$2,000. Motion Carried

**Consider Approval of SRF Loan Reapplications for
For El Rey, Manchester Heights and Hwy HH Corridor**

On a motion by Karen Miller and a second by Debbie Schnedler, the Board approved SRF Loan reapplications for the El Rey Interceptor Project, the Manchester Heights NID and the Hwy HH Corridor Project to be submitted by the projects engineers. Motion passed.

Consider Amendment with HDR for the HH Project for Easement Staking NTE \$2,365

On a motion by Debbie Schnedler and a second by John Massey, the Board moved to approve the Amendment with HDR for the HH Project for Easement Staking NTE \$2,365. Motion passed.

Consider Vacating Easement at Tower Industrial Park on Prathersville Road

Ratermann noted this area is City territory and the District does not need the easement. Shorr asked if the City's needs are covered. Ratermann noted that the property is being replatted with utility easements on the plat.

On a motion by John Massey and a second by Debbie Schnedler, the Board moved to authorize vacation of the easement at Tower Drive Industrial Park on Prathersville Road. Motion passed.

**Consider Change Orders with J. Louis Crum Corporation on the EECDBG Project
Change Order 2 NTE \$8,378.12 & Change Order 3 NTE \$2,722.61**

On a motion by John Massey and a second by Debbie Schnedler, the Board moved to approve Change Order 2 for changes in air header specifications in the amount of \$8,378.12 and Change Order 3 for an additional connection and pipes in the amount of \$2,722.61. Motion passed.

Old Business

No old business.

New Business

Consider Change Order 3 for Rayfield Project NTE 12,001.00

On a motion by David Shorr and a second by Debbie Schnedler the Board moved to approve Change Order 3 with Capital RR for the Rayfield Project to reconcile differences between bid quantities and actual field conditions and other plan adjustments not to exceed \$12,001. Motion carried. John Massey abstained.

Vote to Hold Closed Session Under Section 610.021 (1) & (2)

On a motion by Debbie Schnedler and a second by John Massey, the Board moved that the Boone County Regional Sewer District Board of Trustees authorize a closed meeting at 8:23 PM on August 21, 2012 as authorized by section 610.021(1) RSMo to discuss legal actions, causes of action or litigation involving a public governmental body and any confidential or privileged communications between a public governmental body or its representatives and its attorneys & 610.021(2) RSMo. to discuss the leasing, purchase or sale of real estate by a public governmental body where public knowledge of the transaction might adversely affect the legal consideration therefore; and as authorized by section 610.021 (3) RSMo. to discuss the hiring, firing, disciplining or promoting of particular employees by a public governmental body when personal information about the employee is discussed or recorded. Debbie Schnedler, David Shorr, John Massey and Karen Miller voted in favor. Randy Chann was absent. Motion carried.

On a motion by John Massey and a second by Debbie Schnedler, the Board moved to re-open the regular meeting at 8:55 pm on August 21, 2012, Debbie Schnedler, David Shorr, John Massey and Karen Miller voted in favor. Randy Chann was absent. Motion carried.

Adjournment

On a motion by Karen Miller and a second by John Massey, the Board moved to adjourn the meeting. Motion carried.

Meeting was adjourned at 8:55 PM.

Approved by:
