

**REGULAR MEETINGS OF THE BOARD OF COMMISSIONERS FOR THE
METRO EAST SANITARY DISTRICT
ST. CLAIR AND MADISON COUNTIES, ILLINOIS
HELD ON TUESDAY, MARCH 21, 2023, AT 9:00 A.M.
LOCATED AT: 1800 EDISON AVENUE, GRANITE CITY, IL 62040**

9:00 A.M.- President Oney called the meeting to order, and the Clerk recorded the attendance.

The following were in attendance:

Present: Commissioners, Darwin, Brinza, Dixon, Jackson and President Oney

Others attending the meeting were:

Executive Director Rick Fancher, Attorneys Tom Schooley and Robert Sprague, Treasurer Kim King, Engineers Charlie Juneau and Joe Juneau, and Mr. John Kraft.

PUBLIC COMMENT:

Attorney Tom Schooley opened the floor for public comment.

John Kraft introduced himself and began to speak, "I am a member of the Edgar County Watchdogs a local non-for-profit local government accountability media organization. I was given information about the Metro East Sanitary District asking that the district seek a legal opinion on the compensation/salary that the commissioners are receiving. I am not here to call any of you crooks because I don't think you are, I think you might have been misled in receiving health insurance."

Mr. Kraft then began to read the Metro East Sanitary District Act section 3-4 aloud.

- President Oney interrupted, "We don't need it, we know what it is."
 - o Mr. Kraft replied, "Can I keep speaking without you interrupting me? I am going to read it again. Quit interrupting me."

Attorney Schooley advised President Oney to let Mr. Kraft continue to speak.

Mr. Kraft proceeded to yell, "Commissioners shall be paid the same salary as the county board members from whichever St. Clair County or Madison County! Period! There's no comma! There's nothing in there that says the lesser of, it says whichever is lower! There is nothing that says since Madison County is lower you take their pay, and since St. Clair County offers health insurance you take the freaking health insurance! It doesn't work that way! You take one, whichever is lower!

Madison County board members pay is lower than St Clair County and it does not include health insurance. It doesn't matter what the other two sanitary district acts may say because they are

trustees, they fall under different acts. The Metro East Sanitary District members are commissioners formed under a different act. So, I'm asking that you please get your attorney to research the issue and put it in writing or ask the Attorney General for an official opinion. The Supreme Court Case of Illinois Harlan v. Sweet states the salary and compensation is all encompassing of everything a public official gets. Insurance retirement, vehicles etc... Look into it and don't interrupt me next time I'm talking. Thanks."

Mr. Kraft walked out of the room.

PUBLIC CORRESPONDENCE:

Granite City School District sent a thank you letter for waiving the \$1000 right of entry fee for their fencing project.

REPORT OF EXECUTIVE DIRECTOR:

Mr. Fancher reported the following:

Enable Gas requested a right of entry permit to install a pipeline from the dump in Edwardsville coming across MESD property. They've completed all the paperwork and the 408 and 404 permit process. MESD is working with them now on the temporary construction easement and what the pipeline will cost per year. The temporary construction easement is about \$17,000 - \$18,000 and \$14,000 - \$15,000 a year for the pipeline itself.

The truck for the relief well testing was purchased last week from Broadway Ford. All the pumps and hoses are being ordered. The Corps. will be setting the limits for the pumps, so they know exactly what size pump to size for the draw down.

Attorney Schooley will report on the TRRA of St Louis easements.

Mr. Fancher met with a representative from Johnson Controls last week regarding the SCADA system savings. He reported it is difficult to see the overall cost savings because the past two years have been dry. The system is there to save man hours. However, during the last rain event, when all the stations were running, there was only 8 hours of overtime within those 15 days.

Everything with the Corps. is moving towards the 500-year level. All the relief well documents, as far as the schedule of testing, have not yet been received. Charlie Juneau is putting everything together in a spread sheet. Mr. Fancher stated he will have two operators and a laborer hopefully testing by June 2023.

REPORT OF ENGINEERS:

Charlie Juneau reported the following:

A presentation was made by TWM at the last Corps. meeting to put in a temporary bridge going over Cahokia Canal next to the racetrack. The US Army Corps of Engineers has approved the installation.

- President Oney responded, "I have concerns about this that I would like to discuss after the meeting. I was not involved in the meeting with the USACE and there are more issues than just putting it over the canal. When are they needing this?"
 - o Charlie Juneau answered, "They want the bridge in place for the NASCAR race in June. It will be installed for a maximum of 30 days."
 - Mr. Fancher added, "They would like to install in May."
 - President Oney confirmed, "This can go on the agenda for our April meeting."

Mr. Juneau reported he is working on putting together the GIS database for the relief well testing.

Mr. Juneau also reported he will be meeting with staff to put together the annual SWIF. He stated he reports on this at every monthly meeting with the Corps. The last two years he has not received any correspondence or review comments from the Corps., but it is required to be filed every year.

Joe Juneau reported the following:

The bid received for the 24-inch force main under Merchants Bridge was from Haier Plumbing and Heating. They bid with an alternate pipe material (HDPE) which is a monolithic pipe. That creates a deduct in the original bid as presented. The bid was for \$489,640. Juneau recommends awarding the bid to Haier with the alternate using the HDPE pipe which gives a credit of \$17,400 which brings the bid down to \$472,240.

- President Oney asked Mr. Juneau, "Have these plans been sent to Illinois American Water along with the easement?"

President Oney stated the easement and the fee structure will be passed on to Illinois American, and as part of the negotiations, MESD is to tell them of any projects.

- o Joe Juneau responded, "No, we have not sent them yet. After it is awarded we can let them know this will be transferred to them."

Mr. Juneau also reported on the easement issue with TRRA. The pipeline was centered in the center of the easement. In order to get sufficient distance to parallel that underneath the terminal, an additional 10-foot strip needs to be added to the existing easement. The existing pipe will be abandoned once the project is completed, so that easement will sit with an abandoned pipe in it. The new easement which parallels where the new pipeline will go. The existing casing cannot be utilized without bypass pumping and that would have added the additional cost of \$400,000 to the project. It is more beneficial to get the parallel pipe in place.

MINUTES:

The Regular Minutes for February 21st, 2023 were presented for approval.

Motion Commissioner Jackson; seconded Commissioner Darwin to dispense with the reading of the minutes, approve them as submitted and place them on file.

The motion carried by the following vote:

Ayes: Commissioners Darwin, Brinza, Dixon, Jackson and Oney
Nays: None
Absent: None

CLAIMS AND SPECIFIC CLAIMS:

The General Fund and Specific Claims were submitted for approval:

Motion Commissioner Darwin; seconded Commissioner Jackson to approve the General Fund and Specific Claims as submitted and order them paid.

Upon roll call, the motion carried by the following vote:

Ayes: Commissioners Darwin, Brinza, Dixon, Jackson and Oney

Nays: None

Absent: None

The Lansdowne Claims and Specific Claims were submitted for approval:

Motion Commissioner Jackson; seconded Commissioner Brinza to approve the Lansdowne and Specific Claims as submitted and order them paid.

Upon roll call, the motion carried by the following vote:

Ayes: Commissioners Darwin, Brinza, Dixon, Jackson and Oney
Nays: None
Absent: None

FINANCIAL REPORTS:

The General Fund Financial Reports for the month of February 2023 were submitted for approval:

Motion Commissioner Jackson; seconded Commissioner Darwin to approve the General Fund Financial Report as submitted and place them on file for audit.

The motion carried by the following vote:

Ayes: Commissioners Darwin, Brinza, Dixon, Jackson and Oney
Nays: None
Absent: None

The Special Funds Financial Reports for the month of February 2023 were submitted for approval:

Motion Commissioner Jackson; seconded Commissioner Darwin to approve the Special Funds Financial Report as submitted and place them on file for audit.

The motion carried by the following vote:

Ayes: Commissioners Darwin, Brinza, Dixon, Jackson and Oney
Nays: None
Absent: None

The Lansdowne Financial Reports for the month of February 2023 were submitted for approval:

Motion Commissioner Darwin; seconded Commissioner Brinza to approve the Lansdowne Fund Financial Report as submitted and place them on file for audit.

The motion carried by the following vote:

Ayes: Commissioners Darwin, Brinza, Dixon, Jackson and Oney
Nays: None
Absent: None

PAYROLL:

The Payroll for the period of February 5, 2023 through February 18, 2023 was submitted for approval.

Motion Commissioner Jackson; seconded Commissioner Brinza to approve the Payroll as submitted.

Upon roll call, the motion carried by the following vote:

Ayes: Commissioners Darwin, Brinza, Dixon, Jackson and Oney
Nays: None
Absent: None

The Payroll for the period of February 19, 2023 through March 4, 2023 was submitted for approval.

Motion Commissioner Jackson; seconded Commissioner Darwin to approve the Payroll as submitted.

Upon roll call, the motion carried by the following vote:

Ayes: Commissioners Darwin, Brinza, Dixon, Jackson and Oney
Nays: None
Absent: None

LANSDOWNE ADJUSTMENT REPORT:

The Lansdowne Adjustment Reports were presented for approval:

Motion Commissioner Jackson; seconded Commissioner Brinza to approve the Lansdowne Adjustment Report as submitted.

Upon roll call, the motion carried by the following vote:

Ayes: Commissioners Darwin, Brinza, Dixon, Jackson and Oney
Nays: None
Absent: None

REPORT OF ATTORNEYS:

Attorney Sprague had no report.

Attorney Schooley had no report.

OLD BUSINESS: NONE

NEW BUSINESS:

Discussion and/or approval of Ordinance 2023-0-007 appointment and salary of the Superintendent of Maintenance of Pump Stations for the Metro East Sanitary District pursuant to 70 ILCS 2905.

- Mr. Fancher reported the new superintendent is Justin Roehr. Justin has been with MESD 17 for years. He was hired in a as a pump operator and moved to heavy equipment at a later date. He's been working with Mr. Fancher since the 1st of March and is doing a great job.
 - President Oney explained the union contract allowed to bring Mr. Roehr in for 30-day trial. This will make it official for him to come out of the union.
 - Commissioner Brinza asked if Mr. Roehr would make the same salary as Mr. Hillman.
 - President Oney stated it is less.

Motion Commissioner Brinza; seconded Commissioner Jackson appointing and establishing the salary of the Superintendent of Maintenance of Pump Stations for the Metro East Sanitary District.

Upon roll call, the motion carried by the following vote:

Ayes: Commissioners Darwin, Brinza, Dixon, Jackson and Oney
Nays: None
Absent: None

Discussion and/or approval amending Resolution No 2022-R-010 with Resolution No 2023-R-001 authorizing execution of an easement to IDOT.

- Attorney Schooley explained per IDOT's request this will amend the previous ordinance passed to state the officials names, Scott Oney and Stacy Partney authorizing the signature of documents.

Motion Commissioner Jackson; seconded Commissioner Darwin to amend Resolution No 2022-R-010 with Resolution No 2023-R-001 authorizing execution of an easement with IDOT.

Upon roll call, the motion carried by the following vote:

Ayes: Commissioner Darwin, Brinza, Dixon, Jackson and Oney
Nays: None
Absent: None

Discussion and/or approval of memo of understanding between Metro East Sanitary District and Quality Testing and Engineering, Inc.

- Attorney Schooley explained Quality Testing has been contracted by the City of Granite City to do soil borings at Nameoki Ditch and Terminal Avenue. MESD right of entry requires a liability insurance of \$5 million. Quality Testing has provided a certificate of insurance for \$2 million and has requested we accept the \$2 million.

Motion Commissioner Darwin; seconded Commissioner Jackson to approve memo of understanding between Metro East Sanitary District and Quality Testing and Engineering, Inc.

Upon roll call, the motion carried by the following vote:

Ayes: Commissioners Darwin, Brinza, Dixon, Jackson and Oney
Nays: None
Absent: None

Discussion and/or approval modifying insurance limit for Burns & McDonnell doing work for Spire Energy (due to scope of work of being completed).

- Attorney Schooley advised this is the same scenario, Burns & McDonnell are requesting MESD lower the insurance limits from \$5 million to \$2 million.

Motion Commissioner Brinza; seconded Commissioner Dixon modifying insurance limit for Burns & McDonnell doing work for Spire Energy.

Upon roll call, the motion carried by the following vote:

Ayes: Commissioners Darwin, Brinza, Dixon, Jackson and Oney
Nays: None
Absent: None

Discussion and/or approval modifying insurance limit and waiving right of entry fee for Heneghan and Associates, P.C. doing work Heartlands Conservancy (due to scope of work being completed).

- Attorney Schooley explained Heneghan & Associates are requesting MESD reduce the insurance limits and waive of \$1000 fee.
 - o Commissioner Brinza asked, "And we waive for them and not the other two because?"
 - Attorney Schooley responded, "I don't see why we would want to waive the \$1000."
 - Mr. Fancher added, "I agree. I was very clear with them the insurance would be up to the board. I was very doubtful the board would approve waiving the \$1000 right of entry fee, simply because it holds us harmless."
 - o President Oney asked, "Would someone amend this to accept the insurance but not waive the fee?"

Commissioner Brinza proposed to amend the waiver of insurance liability limits but not waive the right of entry fee.

Motion Commissioner Jackson; seconded Commissioner Darwin to amend the agreement to waive the insurance limit but not waive the right of entry fee.

Upon roll call, the motion carried by the following vote:

Ayes: Commissioners Darwin, Brinza, Dixon, Jackson and Oney
Nays: None
Absent: None

Motion Commissioner Jackson; seconded Commissioner Darwin to vote on the agreement as amended to waive the insurance limit.

Upon roll call, the motion carried by the following vote:

Ayes: Commissioners Darwin, Brinza, Dixon, Jackson and Oney
Nays: None
Absent: None

Discussion and/or approval of Ordinance No 2023-0-008 pertaining to the 2023 Annual Budget for the District.

- Commissioner Brinza asked what the difference is between this years budget and last.
 - o President Oney stated the revenue is up because of ordinance collections. It's about a million-dollar increase.

Motion Commissioner Jackson; seconded Commissioner Darwin to approve Ordinance 2023-0-008 approving the 2023 Annual Budget for the District.

Upon roll call, the motion carried by the following vote:

Ayes: Commissioners Darwin, Brinza, Dixon, Jackson and Oney
Nays: None
Absent: None

Discussion and/or approval of pipeline license agreement between TRRA of St. Louis and Metro East Sanitary District in regard to the 24-inch force main repair.

Motion Commissioner Jackson; seconded Commissioner Darwin approving pipeline license agreement between TRRA of St. Louis and Metro East Sanitary District in regard to the 24-inch force main repair.

Upon roll call, the motion carried by the following vote:

Ayes: Commissioners Darwin, Brinza, Dixon, Jackson and Oney
Nays: None
Absent: None

Discussion and/or approval of license agreement for ingress/egress between TRRA of St. Louis and Metro East Sanitary District in regard to access at Merchants Bridge Railroad Bridge approach.

Motion Commissioner Jackson; seconded Commissioner Darwin approving license agreement for ingress/egress between TRRA of St Louis and Metro East Sanitary District regarding access at Merchants Railroad Bridge approach.

Upon roll call, the motion carried by the following vote:

Ayes: Commissioners Darwin, Brinza, Jackson and Oney
Nays: None
Absent: None

Discussion and/or approval of bid results for the emergency 24-inch force main replacement under Merchants Bridge.

Motion Commissioner Darwin; seconded Commissioner Jackson approving bid results for the emergency 24-inch force main replacement under Merchants Bridge.

Upon roll call, the motion carried by the following vote:

Ayes: Commissioners Darwin, Brinza, Dixon, Jackson and Oney
Nays: None
Absent: None

President Oney apologized to the board and those attending for his actions early in the meeting. He explained to the board his aggravation was due to some of the members receiving derogative statements over the weekend.

- Commissioner Brinza asked if they could go into closed session to discuss further.
 - o Attorney Schooley answered, "This is a topic about compensation of employees and board members, so this is a topic that is properly held under 2(C)(1) of the Open Meetings Act to were we can go into closed session to discuss compensation of employees."

Motion Commissioner Brinza; seconded Commissioner Dixon to enter into Executive Session to discuss board compensation per 2(C)(1) of Open Meetings Act.

The motion carried by the following vote:

Ayes: Commissioners Darwin, Brinza, Dixon, Jackson and Oney
Nays: None
Absent: None

BOARD ENTERED INTO CLOSED SESSION AT 9:27 A.M.

BOARD RETURNED TO REGULAR SESSION AT 9:41 A.M.

The Clerk recorded the attendance:

Present: Commissioners Darwin, Brinza, Dixon, Jackson and Oney
Absent: None

Executive Director Rick Fancher, Attorney Schooley, Attorney Sprague, Treasurer Kim King

Commissioner Brinza made a motion for Metro East Sanitary District Attorney Schooley to formalize his opinion in writing on the matter of benefits for board members; Commissioner Darwin seconded the motion.

The motion carried by the following vote:

Ayes: Commissioners Darwin, Brinza, Dixon, Jackson and Oney
Nays: None
Absent: None

There being no further business placed before the Board, Motion Commissioner Darwin; seconded Commissioner Brinza to adjourn.

The motion carried by the following vote:

Ayes: Commissioners Darwin, Brinza, Dixon, Jackson and Oney
Nays: None
Absent: None

So, adjourned at 9:42 A.M.


Clerk