

**PUBLIC AND REGULAR MEETINGS OF THE BOARD OF  
COMMISSIONERS FOR THE METRO EAST SANITARY DISTRICT  
ST. CLAIR AND MADISON COUNTIES, ILLINOIS  
HELD ON TUESDAY, JUNE 22, 2021, AT 9:00 A.M.  
LOCATED AT: 1800 EDISON AVENUE, GRANITE CITY, IL 62040**

President Oney called the Public Hearing to order, and the Clerk recorded the attendance.

The following was the attendance:

Present: Commissioners, Darwin, Brinza and Oney.  
Absent: Commissioner Dixon

Metro East Sanitary District employees attending the meeting were Executive Director Rick Fancher, Attorney Schooley, Attorney Sprague, Kim King-Treasurer.

President Oney asked if there were any comments regarding the 2021-2022 budget for the Lansdowne.

**PUBLIC COMMENT: NONE**

President Oney motioned to close the public meeting, seconded by Commissioner Brinza. Upon roll call, the motion carried by the following vote:

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

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President Oney called the Regular Meeting to order, and the Clerk recorded the attendance.

The following was the attendance:

Present: Commissioners, Darwin, Brinza and Oney.  
Absent: Commissioner Dixon

Metro East Sanitary District employees attending the meeting were Executive Director Rick Fancher, Attorney Schooley, Attorney Sprague, Kim King - Treasurer.

**PUBLIC COMMENT: NONE**

**PUBLIC CORRESPONDENCE: NONE**

**REPORT OF EXECUTIVE DIRECTOR:**

Executive Director Fancher reported:

We are still working with the Corp and Illinois American Water to resolve an easement relocation issue. We are not aware of the cost for the relocation for the electric and water line, but we do want to make sure that it does not fall on MESD since it was the Corp that is requesting it be moved.

- Attorney Schooley stated that under new business there is an Ordinance requesting to approve the Metro East Sanitary modification of the Illinois American Relocation Agreement.
  - o This is part of the land acquisition of the temporary construction easement / permanent easement for the 100 / 500-year levee improvements.
  - o Everyone knows that MESD is the local non-Federal sponsor, and our primary responsibility is to obtain all the necessary land acquisitions.
  - o As part of the agreement, we have with Southwest Illinois Flood Protection District - any monies that we are out that goes towards that for proper cost will be reimbursed by the Flood Protection District.
  - o In this particular case in the original engineering specs Illinois American Water had to relocate their existing 4-inch water line as well as their electrical conduit.
  - o Illinois American Water took it upon themselves to pay for it because they wanted the work done a specific way.
  - o The agreement from 2019 explains that the conduit will stay in place, but the water line must be put back after the work was completed.
  - o Now the Corp without any input from MESD has come up with a change order because they changed the construction in this area which has now resulted in the electrical conduit needing to be moved again.
  - o Under the new business we will be asking to approve an Amendment to the 2019 Agreement.
  - o Illinois American Water stated that they already paid for it once therefore, they will not pay a second time.
  - o The estimated cost is between \$70,000-\$80,000. Once we were advised of the cost, we contacted Chuck Etwert the Executive Director of the Flood Protection District to verify that this would be a proper expenditure in which MESD would get 100% reimbursement.

- Mr. Schooley proceeded to state that he also spoke with Tracy Kelsey (the project manager from the Corp of Engineers) and she stated that this relocation was mandated by the Corp of Engineers.
- Mr. Schooley also stated that he does not agree with their premise because all of the agreements with the Corp of Engineers in the Non-Federal Sponsor package states that we are to do this all preconstruction but does not address change orders. However, the Corp states in past practice we have done the Metro East Sanitary District was responsible.
- Mr. Schooley confirmed with Chuck Etwert as well and he said it was not the first (1<sup>st</sup>) change order. It is part of the agreement per past practice.
- Bottom line is that MESD will pay the relocation cost and Illinois Flood Protection District will reimburse us right back.

Mr. Fancher reported to the Board that MESD went out for bids on a new roof for the North Pump Station what was damaged in one of the storms. The Insurance Company reviewed the roof and said it was covered but we needed to get at least three (3) bids. We did receive three (3) bids and once we get the approval today for the lowest bid which was \$48,000, we would like to get it scheduled and completed.

- Commissioner Brinza asked if that amount included downspouts and gutters?
  - Mr. Fancher stated “Yes, that \$10,000 of the initial cost was for the industrial downspouts and gutters.”

Executive Director, Fancher stated that we ordered the trucks, and they are scheduled 12-14 weeks out.

Mr. Fancher stated that regarding General Maintenance is concerned we did have a mower head on the slope mower go down. We did have a spare, so the mower is now up and running again.

Mr. Fancher informed the Board that staff went through and did an inspection and audit on all equipment that we own. He stated that everything that is on the books is here and accounted for.

- Commissioner Brinza asked how often will MESD be conducting this type of audits and inspections?
  - Mr. Fancher stated, “Every six (6) months.”

Mr. Fancher continued to say that MESD is continually working with St. Clair County on the projects in the Centerville Township area. We are working with IDOT and IDNR and other entities in conjunction to get the water drainage issue resolved. We have been working down there for over two (2) months now.

- Attorney Schooley asked how the agreement was working out with the company that was coming on site to take materials and off site it to their landscaping company?
  - o Mr. Fancher stated that is still going on and there have been no issues.
    - Attorney Schooley stated that this was a cost saving measure for MESD.
      - Mr. Fancher stated “Absolutely” He also informed the board that IDNR currently has not given us a place for our spoils as we dredge up the canal. Right now, they are working to find a close location.

**REPORT OF ENGINEER:** None (See actual report submitted by Charlie Juneau)

- Commissioner Brinza asked if there were any changes to the report that was submitted to the Board.
  - o President Oney stated that there were no changes in Mr. Juneau’s report.

**MINUTES:**

The minutes for the May 18, 2021, were presented for approval.

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

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

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

**EXECUTIVE SESSION MINUTES:**

The executive session minutes for the May 18, 2021, meetings were presented for approval:

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

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

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

**CLAIMS AND SPECIFIC CLAIMS:**

The General Fund and Specific Claims were submitted for approval:

Motion Commissioner Darwin; seconded Commissioner Brinza 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 and Oney.  
Nays: None  
Absent: Dixon

The Lansdowne Claims and Specific Claims were submitted for approval:

Motion Commissioner Brinza: seconded Commissioner Darwin 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 and Oney.  
Nays: None  
Absent: Dixon



**FINANCIAL REPORTS:**

The General Fund Financial Reports for the month of May 2021 was submitted for approval:

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

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

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

The Special Funds Financial Reports for the month of May 2021 was submitted for approval:

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

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

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

The Lansdowne Financial Reports for the month of May 2021 were submitted for approval:

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

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

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

**PAYROLL:**

The Payroll for the period of May 2, 2021, through May 15, 2021, were submitted for approval.

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

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

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

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The Payroll for the period of May 16, 2021, through May 29, 2021, were submitted for approval.

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

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

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

**LANSLOWNE ADJUSTMENT REPORT:**

The Lansdowne Adjustment Reports were presented for approval:

- Commissioner Brinza stated that he thought the adjustments were lower than what they have been in the past.

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

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

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

**LANSDOWNE BUDGET FOR FISCAL YEAR 2021-2022:**

An Ordinance concerning the Budget and Annual Appropriation to defray the necessary and ordinary expenses of the Metro East Sanitary District, Lansdowne Sewage Treatment System, of St. Clair and Madison Counties, in the State of Illinois, for the fiscal Year 2021-2022, beginning on the first day of April 2021 and Ending on the thirty-first day of March 2022 was presented. Number 2021-0-007 was assigned to this document.

Motion Commissioner Brinza; seconded Commissioner Darwin to adopt Ordinance Number 2021-0-007 concerning the Budget and Annual Appropriation to defray the necessary and ordinary expenses of the Metro East Sanitary District, Lansdowne Sewage Treatment System, of St. Clair and Madison Counties, in the State of Illinois, for the fiscal Year 2021-2022, beginning on the first day of April 2021 and Ending on the thirty-first day of March 2022.

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

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

**REPORT OF ATTORNEYS:**

Attorney Schooley informed the Board that he had nothing else to report other than what he had stated under the Executive Director's report.

- President Oney asked Attorney Sprague about the status on the El Ranchito adjustment case and if a letter was sent.
  - o Attorney Sprague stated that a letter was sent but that he also spoke to Mr. Fancher and the debt was not penalties it was extra charges to pay for the treatment as a result of the test. He relayed that information back to Baricevic Law Office.
    - Rick reiterated that the only penalties that were on the account was \$26.90 everything else was usage and the extra charges from the test.
      - Attorney Sprague stated hopefully by next month they will make an offer, or we decide to sue.

**NEW BUSINESS:**

Discussion / Approval of the 2020 Annual Treasurer's Report for the Metro East Sanitary District.

Motion Commissioner Brinza: seconded Commissioner Darwin to approve the Annual Treasurer's Report.

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

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

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Discussion / Approval of Juneau and Associates, Inc. P.C. to provide professional engineering and land surveying services to the District.

- President Oney informed the Board that he spoke with Joe Juneau since he did not include a comparative and the only rates that would be increasing were Professional 6 through Professional 3. There would be about a \$ 6.00 an hour increases on those categories and one is \$3.00.
- He also stated that the top tier rates which are Joe and Charlie (ones in which most of MESD's billing comes from) will remain the same amount.

Motion Commissioner Brinza: seconded Commissioner Darwin to approve the agreement with Juneau and Associates, Inc. P.C. for professional engineering and land surveying services.

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

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



An Ordinance to discuss and or approve levee improvement and / or filing of intimate domain if necessary. Ordinance 2021-0-008 was assigned to this document.

Attorney Schooley informed the board:

- That this is part of the litigation over land acquisition down by the cut off wall where the project calls for a blanket instead of a cut off wall over the Terminal Railroad Association property.
- Carrie Hermeling has been hired by the Southwest Illinois Flood Protection District to lead the charge on this litigation.
- Currently there are two (2) lawsuits pending one of which is:
  - Terminal Railroad Association (TRA) filed in Federal Courts stating in essence that we would be taking their property without 'Due Process' and Carrie Hermeling has the appropriate paperwork to file in St. Clair County an intimate domain action where a taxing district can file a lawsuit compelling the TRA to give us an easement for just compensation.
- At the present time about 3-4 months ago we did a 60-day letter that we attached to our appraisal basically making an offer to TRA of \$380,000. However, TRA is wanting over 1 million dollars for the same property.
- What is curious about this property is if you look at the entire tract 60% is already encumbered by easements and right away so there is only 40% useable land that is TRAs.

- Carrie Hermeling would like us to pass this Ordinance to assist with giving her leverage to prepare a second 60-day letter.
- We did have a 2<sup>nd</sup> appraisal done just to verify what the first appraisal said plus there were some additional land acquisitions that the Corp needed.

Motion Commissioner Darwin: seconded Commissioner Brinza to approve Ordinance 2021-0-008 on levee improvement and / or filing of intimate domain if necessary.

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

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

Board Discussion / Approval regarding the possibility of charge offset pertaining to the Milam Meter.

Motion Commissioner Brinza: seconded Commissioner Darwin to approve the Milam Meter charge offset.

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

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

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Board Discussion / Approval of the Metro East Sanitary District's modification of the Illinois American Utility Relocation Agreement for the USACE cut off wall project.

- President Oney informed the Board that this was discussed previously in the meeting by Attorney Schooley.

Motion Commissioner Darwin: seconded Commissioner Brinza to approve the Metro East Sanitary District's modification of the Illinois American Utility Relocation Agreement for the USACE cut off wall project.

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

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

Board Discussion / Approval to award bid package to Joiner Roofing Company.

- President Oney informed the Board that the 3 bid specs were in their packet.
- Commissioner Brinza remarked that the insurance was going to pay for the roof.
  - o Rick Fancher responded “Yes”, the insurance would cover the roofing cost.

Motion Commissioner Brinza: seconded Commissioner Darwin to award Joiner Roofing Company the bid package.

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

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

**ANY FURTHER BUSINESS PLACED BEFORE THE BOARD:**

Attorney Schooley informed the Board that there may be a potential union grievance stemming from use of a one-day sick leave. Mr. Schooley stated that Barney Mundorf has been working on this issue.

Attorney Schooley proceeded to say that he is in agreement with Mr. Mundorf in regard to, if the union wants to go past the grievance stage and file arbitration it would be his recommendation to reinstate the sick day due to the cost of attorney fees.

- President Oney asked if a grievance has been filed.
  - o Rick Fancher replied “Yes, it has been.”

President Oney stated that the only issue he would have is if it was something different than what the contract states. He stated that we did not want to set a precedence just because sometimes the cost is minimal it could have an ever-folding event down the road.

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There being no further business, Motion Commissioner Darwin; seconded Commissioner Brinza to adjourn.

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

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

So, adjourned at 9:22 A.M.

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Clerk