

**REGULAR MEETING OF THE BOARD OF
COMMISSIONERS OF THE METRO EAST
SANITARY DISTRICT, ST. CLAIR AND
MADISON COUNTIES, ILLINOIS HELD ON
TUESDAY, FEBRUARY 18, 2020 AT 1800 EDISON
AVENUE, GRANITE CITY, ILLINOIS AT 9:00
A.M.**

President Oney called the meeting to order and the Clerk recorded the attendance.

The following was the attendance:

Present: Commissioners Brinza, Darwin, Oney and Dixon.

Absent: Commissioners McCall

Metro East Sanitary District employees attending the meeting were Executive Director Fancher, Treasurer Kim King, Attorney Schooley, Attorney Meinders, Superintendent Scott Smith, Superintendent Scott Hillman, Lansdowne Office Manager Roger Morthland. Also, attending the meeting were Joe Juneau representing Juneau Associates, Attorney Barney Mundorf, Frank Dorris, Max Merz and Norma Scrum.

PUBLIC COMMENT:

Norma Scrum addressed the Board wanting to know why the people in Madison pay a surcharge for a sewer line break that was not their fault. She said that MESD was not going to pay for any line of hers that breaks, and she should not have to pay for a break in a sewer line that MESD owns. I do not think that I should be charged.

Commissioner Brinza “We do not own the line.”

President Oney “I was not here at that time and it will be addressed at the next meeting.”

REPORT OF EXECUTIVE DIRECTOR:

Executive Director Fancher reported:

We have pumps at Bremen that need repair. Superintendent Hillman can you tell the Board how much they cost.

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Superintendent Hillman “They are \$80,000 to \$90,000 to buy and \$60,000 to repair.”

Executive Director Fancher continued:

We have United States Army Corps of Engineers (USACE) inspections coming up. We had our monthly USACE meeting and we discussed the Cut off wall project.

We will have a Safety/Sexual Harassment training on February 28, 2020. The sexual harassment training is mandatory for all employees of MESD to attend. The safety training will start at 8:00 A.M and the Sexual Harassment training will start at 8:30 A.M.

We met with Senator Duckworth about the seven million dollar grant.

We met with Teamsters for negotiations on February 14, 2020.

We had another boring company drill into our sewer line.

President Oney “we had an Ordinance in Granite for the requirements on what these boring companies have to do. One of the issues with these companies is that they bore thru the line and you do not even know it. Joe will get the information to attorney Schooley to get an Ordinance together. We could have them televise it before and after. So, the only way you find out is through Julie?”

Superintendent Hillman “We are not a part of Julie. I just happened to be on location when another company drilled through the Levee on the Prairie Dupont side and they were setting up on our side and I stopped them. They had already drilled through a cut off wall. Since we are not in Julie these drillers think that they called JULIE and that is all they have to do. I guess it is expensive, but we have probably paid enough at this point we could have paid for JULIE. Maybe we could look into that again and find out what it costs.”

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Superintendent Smith reported:

We are grading front levee and fixing the potholes. We are hauling rock to Harding ditch. We have a crew out pulling drift and removing fallen trees At Cahokia Creek. Our mechanic is servicing all the tractors to get ready For spring.

Superintendent Hillman presented his reports:

Lansdowne office manager Morthland reported:

We continue to train 3 new employees and we are also cross training in case of retirement. I believe sometime this year we might have an employee retiring.

All emails have now been moved to mesdonline.org domain. C

REPORT OF ENGINEER:

Mr. Juneau reported:

We had a meeting at the port district in regard to funding alternatives for the CNV pump station as well as upgrading Nameoki ditch.

When we originally sat down and developed coping with Village of Pontoon Beach, Granite City and MESD. They each targeted individual project areas and projects. After meeting with the representatives there, they said we would take a more regional approach because it is all based on economic development and how many jobs you can create as well as the sustainability of the project.

MINUTES:

The minutes for the January 21, 2020 were presented for approval.

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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, Oney, Dixon and Brinza

Nays: None

Absent: Commissioner McCall

MINUTES:

The minutes for the February 10, 2020 Special meeting 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, Oney, Dixon and Brinza

Nays: None

Absent: Commissioner McCall

EXECUTIVE SESSION MINUTES:

The executive session minutes for the December 31, 2019 meetings were presented for approval:

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Motion Commissioner Darwin; seconded Commissioner Dixon to approve the executive session minutes, as submitted and place them on file

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

Ayes: Commissioners Darwin, Oney, Dixon and Brinza

Nays: None

Absent: Commissioner McCall

EXECUTIVE SESSION MINUTES:

The executive session minutes for the January 21, 2020 meetings were presented for approval:

Motion Commissioner Darwin; seconded Commissioner Dixon to approve the executive session minutes, as submitted and place them on file.

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

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

EXECUTIVE SESSION MINUTES:

The executive session minutes for the February 10, 2020 Special meetings were presented for approval:

Motion Commissioner Brinza; seconded Commissioner Darwin to approve the executive session minutes, as submitted and place them on file.

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

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

CLAIMS AND SPECIFIC CLAIMS:

The General Fund and Lansdowne Claims and Specific Claims were submitted for approval:

Motion Commissioner Darwin; seconded Commissioner Brinza to approve the General Fund and Lansdowne Claims and Specific Claims as submitted and order them paid with the amendment that no attorney or legal bills be paid at this time:

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

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

FINANCIAL REPORTS:

The General Fund, Special Funds and Lansdowne Financial Reports for the month of January 2020 were submitted for approval:

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Motion Commissioner Brinza; seconded Commissioner Darwin to approve the General Fund, Special Funds and Lansdowne Financial Reports for the month of January 2020 as submitted and place them on file for audit.

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

Ayes: Commissioners Darwin, Oney, Dixon and Brinza

Nays: None

Absent: Commissioner McCall

PAYROLL:

The Payroll for the period of January 12, 2020 through January 25, 2020 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, Oney, Dixon and Brinza
Nays: None
Absent: Commissioner McCall

The Payroll for the period of January 26, 2020 through February 8, 2020 were submitted for approval.

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

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

Ayes: Commissioners Darwin, Oney, Dixon and Brinza

Nays: None

Absent: Commissioner McCall

LANSLOWNE ADJUSTMENT REPORT:

The Lansdowne Adjustment Reports were presented for approval:

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

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

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

REPORT OF ATTORNEY:

Attorney Schooley reported:

At the Boards request at the January Board meeting the Madison County Lawsuit that the District filed has been dismissed.

Attorney Meinders “The St. Clair County lawsuits and the appeals have also been dismissed.”

I have sent a letter out to attorney Craney and attorney Calvo and the active files they had have been transferred to me. One of the things I will say is that Blake and I have talked about is efficiency of legal fees. There were a couple meetings that 3 attorneys were present at a bargaining meeting and there are no reason to have 3 attorneys at one meeting. The Board has hired attorney Barney Mundorf to handle those meetings.

I will talk to the Board about the lay off litigation in Executive session.

Rick and I have worked together on the flooding lawsuit that the Gori law firm has brought. It is moving along but it will be a long drawn out process. Once again on the efficiency of legal fees Craney was working on the flooding lawsuit and billing the District. Under the policy of insurance, the district carries that claim can be filed by the insurance carrier and the attorney is paid for by the insurance.

OLD BUSINESS:

EXECUTIVE SESSION MINUTES:

The executive session minutes for the December 17, 2020 meetings were presented for approval:

Motion Commissioner Darwin; seconded Commissioner Dixon to approve the executive session minutes, as submitted and place them on file.

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

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

Discussion and/or approval of the attorney payments:

President Oney “I tabled that last time because the bills were high. Nothing against the prior Board but the bills were close to ten thousand dollars on the litigation lawsuit. The attorneys were authorized by the prior Board to do it.”

Motion Commissioner Oney; seconded Commissioner Brinza to approve the attorney payments.

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

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

El Ranchito / MESD Bills; John Barcevic:

President Oney “I talked to Rick and Tom about this and with my background doing the sewer billing for Granite City. There is no reason that you have 2 exactly same type of businesses and one is getting sampled and one is not being sampled. I have asked for the justification and how do you choose, and there is no answer except for past history. Our Ordinance should dictate how this should be done, if you are not following the Ordinance someone can say you are picking on me. This is the situation this restaurant has brought up.”

Attorney Schooley “Attorney Barcevic was glad we reached out to him. He was not getting any answers from the previous Executive director. He would just like to know what is the process and why is his clients being charged more than the other businesses in the area? I made him aware it would be discussed at this meeting and possibly some sort of a flat rate established.”

Lansdowne Office Manager Morthland commented:

The surcharges have always been an ongoing issue. Some businesses have clean outs and others do not. The previous administration had passed an ordinance to give us right of entry, but that does not mean there will be an area to test. I agree we should come up with a flat rate for our commercial accounts. It would eliminate the question are we being picked on.

Commissioner Brinza “Are we still going to test? We can not allow pure grease to be put down the drains.”

President Oney “I think we would always have the right to test and adjust the rates or penalize them with a fine. I would like to recommend that Executive Director Fancher and manager Morthland come back to the Board with an Ordinance, within that Ordinance specify the range to stay within.”

Superintendent Hillman “Should there be a clause that all new businesses have a clean out?”

Commissioner Brinza “If they do not have a clean out, they will be charged at a higher rate.”

President Oney “Let attorney Barcevic know that we will be addressing his issue with an Ordinance.”

Discussion and/or approval of Resolution 2020-R-001 regarding intergovernmental agreement for borrowing equipment.

President Oney “This was tabled at the last meeting. Does anyone have a history with this resolution?”

Executive Director Fancher “Well we do actually. In the past we have used equipment from different Municipalities and Townships occasionally. The example is we had one of our mowers borrowed by Nameoki Township and they had it for 9 months. It has since been returned, that is the history of it. I would like to see if we could have intergovernmental agreement with the entities. If we had an incident and we need a mini excavator for example which we do not own, and Nameoki Township does own one. We borrow it instead of renting it for a thousand dollars day for a couple days. I also do not want to see our equipment get borrowed for an entire season.”

President Oney “I think we need a standard agreement attached to the Resolution. When they are borrowing our equipment, we need to make sure we are held harmless and they have proper insurance.

Motion Commissioner Darwin; seconded Commissioner Dixon to table Resolution till next meeting.

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

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

NEW BUSINESS:

Approval of attorney engagement letters for Law office of Tom E Schooley and
Sprague and Urban:

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Motion Commissioner Oney; seconded Commissioner Brinza to approve the engagement letters for the law office of Tom E Schooley and Sprague and Urban:

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

Ayes: Commissioners Darwin, Oney, Dixon and Brinza

Nays: None

Absent: Commissioner McCall

Blassingame Vs MESD approval of settlement agreement and release was presented:

Attorney Schooley reported:

I spoke with attorney Craney and his opinion was they were absolutely correct. The Blassingame were not attached to the Districts sanitary line they were on septic system. The District has been assessing charges against her. When I contacted her attorney to save a trip to court. We worked out an agreement that yes, the District would pay her. There is good news and bad news. we have to refund her, but she is within 300 feet of our line and she has to tie onto us. If this settlement is approved, we will send the money with a letter saying they have to tie on.

Motion Commissioner Brinza; seconded Commissioner Darwin to approve the settlement agreement with Blassingame.

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

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

Motion Commissioner Brinza; seconded Commissioner Darwin to discuss the setting of salaries in Ordinance form and also, we will work on an Ordinance on benefit packages in Ordinance Form also. Anyone that is not in the Union will follow the Ordinance.

An Ordinance to approve the Executive Directors Salary for Rick Fancher was document presented. Ordinance No. 2020-0-001 was assigned to this document.

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Motion Commissioner Darwin; seconded Commissioner Brinza to adopt Ordinance No. 2020-0-001 approving the Executive Directors salary for Rick Fancher.

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

Ayes: Commissioners Darwin, Oney, Dixon and Brinza

Nays: None

Absent: Commissioner McCall

An Ordinance to approve the District Treasurer salary for Kim King was document presented. Ordinance No. 2020-0-002 was assigned to this document.

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Motion Commissioner Darwin; seconded Commissioner Brinza to adopt Ordinance No. 2020-0-002 approving the District Treasurer salary for Kim King.

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

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

An Ordinance to approve the Superintendent salary for Scott Smith was document presented. Ordinance No. 2020-0-003 was assigned to this document.

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Motion Commissioner Darwin; seconded Commissioner Brinza to adopt Ordinance No. 2020-0-003 approving the Superintendent salary for Scott Smith.

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

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

An Ordinance amending Ordinance No. 2018-0-009 entitled “An Ordinance providing for rules of order and procedure for the Metro East Sanitary District” was presented. Ordinance No. 2020-0-004 was assigned to this document.

Motion Commissioner Dixon; seconded Commissioner Darwin to adopt Ordinance No. 2020-0-004 amending Ordinance No. 2018-0-009. The regular meetings of the Board of Commissioners shall be held at 1800 Edison Avenue, Granite City, Illinois on the third Tuesday of each month at the hour of 9:00 A.M. commencing on the 18th of February 2020.

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

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

EXECUTIVE SESSION:

Motion Commissioner McCall; seconded Commissioner Darwin; to enter into Executive Session for the exceptions noted under 5 ILCS 120/2(c) 1. Appointment, employment, compensation, discipline or performance of employees and pending or threatened or imminent litigation.

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

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

The Board entered into Executive Session at 9:52 A.M.

Motion Commissioner Darwin; seconded Commissioner Brinza to return to regular session at 10:00 A.M.

The Clerk recorded the attendance:

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

Also, attending the meeting at this time was Executive Director Fancher, Attorney Tom Schooley and Attorney Meinders.

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, Oney, Dixon and Brinza
Nays: None
Absent: Commissioner McCall

So, adjourned at 10:01 A.M.

Clerk