

**BOONE COUNTY REGIONAL SEWER DISTRICT
BOARD OF TRUSTEES MEETING
OCTOBER 19, 2021
BOONE COUNTY REGIONAL SEWER DISTRICT OFFICE
1314 NORTH SEVENTH STREET**

Trustees Present: Randy Chann, Chair
David Shorr, Vice Chair
Justin Aldred, Trustee – departed at 7 p.m.

Absent: Deborah Schnedler, Secretary
John Massey, Trustee

Others Present: Tom Ratermann, General Manager
Lara Florea, Treasurer & Assistant Secretary
Virgil Farnen, Operations Manager
John Whiteside, General Counsel
Bill Florea, Boone County Resource Management
Andy Lister, Project Manager
Sandi Clark, Office Administrator
Chris Pieper, BB&D
Angela Burke, BB&D
Elizabeth Megli, Oak Hill representation
Joey McLiney, Financial Advisory Services
Jesse Stephens, Crocket Engineering

The meeting was held as a GoToMeeting video and telephone conference.

Randy Chann, Chair, called the October 19, 2021 Board of Trustees meeting to order at 5:30 p.m. Chann noted there was a quorum.

ADOPTION OF REVISED AGENDA

The agenda was not revised.

APPROVAL OF MINUTES

The minutes for the September 2021 Board of Trustees Meeting were included in the packet.

On a motion by David Shorr and a second by Randy Chann, the Board moved to approve the minutes for the September 2021 Board of Trustees meeting as written. Motion carried.

PUBLIC COMMENT

See Also: J.6. Manager's Report – Oak Hill

Tom Ratermann reviewed the 2021 agreement included in packet, IUVO and BCRSD for sanitary sewer service for 48 residential lots. The agreement describes the processes for designing, approving, bonding, and building new wastewater treatment facility (WWTF) at Brookfield Estates. The BCRSD's contribution is capped at \$225,050.00. He advised the developer wants approval to connect 11 lots to the existing recirculating sand filter immediately and begin building the additional WWTF. He advised there were matters of cash flow, connection fees and DNR permit requirements to be considered and resolved. Brookfield has a recirculating sand filter and cannot accept solids. BCRSD's proposal is a large septic tank with filter at Brookfield to separate the solids from Oak Hill. This is a revision from individual private septic tanks on the new private lots.

Elizabeth Megli was present to represent the interests of the developer. She advised contract purchasers are awaiting construction of homes the approval to connect the first 11 lots to the existing facility, designating a private septic tank on each lot to separate solids from the wastewater sent to the existing facility for treatment. Megli stated that it is possible that the first 11 lots may never have to connect to the existing Brookfield system if the new WWTF is constructed before the homes are built. The developer requests approval for connection to present 11 lots in Plat 1 at the November Planning and Zoning plat review. The developer would like to be able to bond for the large holding tank needed for the 11 lots. She advised they are awaiting the approval of the connections and the comments on the construction plans submitted. She explained an addendum to the current agreement with BCRSD could be submitted prior to the plat proposal at the next P&Z review.

Bill Florea advised the subdivision regulations provide for bonding option, and P&Z currently has a draft development agreement that allows for the bonding. He explained P&Z requires a statement that public sewer is available to the 11 lots, an official agreement between the developer and BCRSD should be executed, and then a bond needs to be in place.

Justin Aldred wanted assurance that if the bonding is approved, there will be no negative impact on the Brookfield sewer system. Ratermann said he felt there is little concern about disruption in service.

John Whiteside suggested an irrevocable letter of credit could be a finance option instead of bonding, explaining that calling on bonds tends to be expensive for the rate-payers of BCRSD. Megli expressed willingness to obtain the letter of credit. The Board advised staff should negotiate an amendment to the existing sanitary sewer agreement and then submit comments that public sewer connection is available for the first 11 lots.

Ratermann recapped that BCRSD will send a letter to Boone County Resource Management (BCRM) acknowledging the capacity is available for the 11 lots and that the developer has reserved the capacity, contingent upon the agreement between BCRSD and developer being revised. Afterward the plat review can continue through Planning & Zoning, and approval of final plat could be considered after the agreement is amended and fully signed.

CONSENT AGENDA
Easement Acquisition Report
Permit Status Report
Monthly Financial Reports
Outstanding Bill(s)
Quarterly Lien Reports
Safety Minutes
Status Report (Work in Progress)

The reports listed on the Consent Agenda were included in the packet.

There were outstanding bills payable to: EnviroLine for 5 pumps and start kits - \$10,364.00; Jeffrey Electric for electrical installation at Kinkade Crossings - \$6,113.00; and VanDevanter for engineering costs at El Rey - \$2,401.90.

On a motion by David Shorr and a second by Justin Aldred, the Board moved to approve the outstanding bills as presented for EnviroLine, Jeffrey Electric and VanDevanter. Motion carried.

On a motion by David Shorr and a second by Justin Aldred, the Board moved to approve the reports included on the Consent Agenda as presented. Motion carried.

QUARTERLY FINANCIAL REPORTS

Lara Florea reviewed the quarterly financials included in the packet.

Chann noted the 2021-2022 changes made in the budget relative to coronavirus interference be communicated to the public.

On a motion by David Shorr and a second by Justin Aldred, the Board moved to approve the quarterly financial reports as presented. Motion carried.

MANAGER'S REPORT
Planning and Zoning Update

Bill Florea reviewed the Planning and Zoning update, Building Permit Statistics, and the Boone County Construction Reports included in the packet.

**MDNR Inspections/ Letters of Warning (LOW)/
Notices of Violation (NOV)/ Unsatisfactory Features/ Return to Compliance**

The report was included in the packet. There were no new warnings or violations to report.

**Low Income Household Drinking Water & Wastewater Emergency Assistance Program
& State Assistance for Housing Relief (LIHWAP)**

Ratermann advised the BRSD is registering as a supplier to afford customers the opportunity to apply to the LIHWAP.

Beerup Event Center

Ratermann advised that a property applied for and was granted a conditional use permit,

requiring connection to public sewer if it becomes available in the next 5 years. BCRSD is currently working with Beerup to ensure the developer builds a system that can become part of a public sewer system in the future.

Budget Criteria

Lara Florea reviewed the criteria included in the packet.

Chann explained he feels efficiency improvement drivers should eventually be in place to mitigate the impact of cost in long-term planning.

Oak Hill

See also Public Comment.

Midway USA

Ratermann advised Boone Central Title Company is ready to record a warranty deed from Midway USA, title insurance will be issued after the warranty deed is recorded. Midway USA posted a \$30k escrow agreement to complete minor facility improvements. The performance date was “as soon as possible”, and was signed by the developer. He recommended another performance date could be provided by amendment.

Ashland

Ratermann advised Ashland has requested a service contract from BCRSD. He said a scope of services and free proposal will be made available around November 1st. Ashland personnel will tour the Rocky Fork facility, and BCRSD staff have already toured the Ashland facility.

Butch’s Investments

See also Agenda Item L – Rescind General Manager and General Counsel Authority regarding Boone County BCRSD-Property Owner Agreement on Butch’s Investments.

Coronavirus Response

Ratermann reviewed three memos and two policies from other districts included in the packet.

Meeting with DNR Director

Ratermann explained the Missouri Association of Sewer Districts met with the Department of Natural Resources, the Water Protection Program director, and eight sewer districts met with DNR to discuss that sewer districts should be remembered when project funding is available.

Proposed Policy on Bonds or Other Sureties for the Completion of Wastewater Infrastructure within a Certain Time Period by Real Estate Developers

See also Agenda Item L: Rescind General Manager and General Counsel Authority regarding Boone County BCRSD-Property Owner Agreement on Butch’s Investments

Ratermann advised he will return later with a revised policy on bonds and sureties for the completion of wastewater infrastructure.

Proposed Revisions to Regulations for Pressure Sanitary Sewer and Septic Tank Effluent Pumping System

Ratermann explained the BCRSD has received criticism from engineering firms that the

policies for pressure sewers are inconsistent in terms of when BCRSD maintains the pumps and tanks. A resolution will be presented at a later date to address these concerns.

Sturgeon

Ratermann reviewed the engineering report from McClure Engineering included in the packet. Short-term improvements amount to approximately \$70k, and intermediate improvements are estimated at \$330k.

JR2

Ratermann recalled that the engineer for JR2 Development requested a letter in support of the proposed development. Ratermann explained the BCRSD does not get involved in taking a position on re-zonings. He stated there is a potential for 370 residential units and the developer would need to enter an annexation agreement with the City. He advised the cooperative agreement between the City and BCRSD states the City cannot charge connection fees to the customer. In this area, the BCRSD would retain the customer.

Les Bourgeois

Ratermann said the winery and A-frame intends to connect to the Rocheport facility in phases between now and 2038. They propose an agreement with BCRSD by 2023.

American Rescue Plan Act (ARPA)

Shorr asked how the commission's conversations regarding wastewater at the last ARPA went. Aldred advised the prioritizing of the distribution of funds is still to be determined, but sewer issues will be reviewed.

Ratermann advised he met with Commissioner Aldred to identify BCRSD's priority as including Midway Crossings, South Route K and Sunnyslope.

Golf View Gardens

Ratermann advised the developer is proposing about 50 condominium units, and the BCRSD should include in the agreement that BCRSD is not responsible for the maintenance of a single lateral serving two units in duplex; the preference is to record deed restriction on each lot.

FEMA ± \$22,000.00

Ratermann explained staff is working to recover approximately \$22,000.00 to cover the heavy rain event that occurred at the end of June 2021.

No quorum was available to vote to accept the Manager's Report.

OPERATIONS AND MAINTENANCE REPORT

Ratermann reviewed the O & M Reports included in the packet.

No quorum was available to vote to accept the O&M Reports.

(Agenda Items)

RESCIND GENERAL MANAGER AND GENERAL COUNSEL AUTHORITY

**REGARDING BOONE COUNTY - BCRSD - PROPERTY OWNER
AGREEMENT ON BUTCH'S INVESTMENTS**

Ratermann advised an agreement between property owner Butch's Investments, the BCRSD and Boone County which allows for bonding. He advised that bonding for these projects is risky for BCRSD. He asked Trustees to develop a resolution for bonding. He stated this request is for future projects, not current projects that have agreements for bonding.

Ratermann presented two options: 1) to adopt a policy prohibiting bonding or posting financial sureties; or 2) require a performance bond, a labor and material payment bond, and cash in escrow to cover administrative costs.

Shorr asked staff to submit a bonding policy revision for consideration in the future. Recommended a resolution saying the BCRSD will suspend consideration of any bonding while the policy is under review. Trustees determined that while the current policy stands, the General Manager and General Counsel have authority to draft agreements pertaining to bonding.

**CONSIDER ACCEPTANCE OF PROPOSAL FROM HDR FOR REVIEW OF
ENGINEERING REPORT AND PLANS FOR BUTCH'S INVESTMENTS, LLC, IN THE
NOT TO EXCEED AMOUNT OF \$5,300.00**

Ratermann reviewed the proposal included in the packet.

On a motion by Randy Chann and a second by David Shorr, the Board moved to approve proposal from HDR for review of engineering report and plans for Butch's Investments, LLC, in the not to exceed amount of \$5,300.00. Motion carried.

**CONSIDER AWARD OF LEASE-PURCHASE AGREEMENT FOR
SEWER JET PURCHASE**

Ratermann reviewed the memo included in the packet.

On a motion by Randy Chann and a second by David Shorr, the Board moved to award Carroll County Trust Company for the sewer jet lease-purchase agreement. Motion carried.

**CONSIDER ACCEPTANCE OF BILL OF SALE FOR THE DARIN & HOLLY FILE
SEWER EXTENSION**

Ratermann advised the sanitary sewer extension has been built, inspected and is ready for BCRSD to assume.

On a motion by David Shorr and a second by Randy Chann, the Board moved to accept the Bill of Sale from Darin and Holly File. Motion carried.

**CONSIDER ACCEPTANCE OF BILL OF SALE FOR SANITARY SEWERS IN
RAVENWOOD PLAT 1**

Ratermann explained the sanitary sewers in Ravenwood are ready for BCRSD to assume.

On a motion by David Shorr and a second by Randy Chann, the Board moved to accept the Bill of Sale for sanitary sewers in Ravenwood Plat 1. Motion carried.

**CONSIDER AWARD OF SEWER JET TO COE EQUIPMENT IN THE
AMOUNT OF \$266,047.84**

Ratermann asked Trustees to consider the award recommendation included in the packet.

On a motion by David Shorr and a second by Justin Aldred, the Board moved to award for the purchase of a sewer jet from Coe Equipment. Motion carried.

OLD BUSINESS

There was no Old Business.

NEW BUSINESS

There was no New Business.

VOTE TO HOLD CLOSED SESSION UNDER SECTION 610.021 (1), (2), & (13)

There was no Closed Session for October 2021.

ADJOURNMENT

No quorum was available to vote to adjourn.

Meeting was adjourned at 6:57 PM.

Minutes approved via GoToMeeting virtual meeting on November 16, 2021

Approved by: David Shorr

Randy Chann