

**BOONE COUNTY REGIONAL SEWER DISTRICT
BOARD OF TRUSTEES REGULAR MEETING
APRIL 16, 2024 - 5:30 PM
BOONE COUNTY COMMISSION CHAMBERS
801 E WALNUT STREET**

Trustees Present: Randy Chann, Chair
Debbie Schnedler, Secretary
David Bennett, Trustee
Bill Watkins, Trustee
Justin Aldred, Trustee

Trustees Absent:

Others Present: Joe Foster, Executive Director
Tom Ratermann, Technical Engineer
Wendy Wieggers, Board Treasurer & Finance Manager
Daniel Cunningham, Project Manager
Sandi Clark, Assistant Board Secretary & Office Administrator
Meg Petrillose, Administrative Assistant
Chris Pieper, Blitz, Bardgett & Deutsch, General Counsel
Angela Burke, Blitz, Bardgett & Deutsch, General Counsel

The meeting was held in person and as a GoToMeeting virtual conference.

Randy Chann, Chair, called the April 16, 2024, Board of Trustees meeting to order at 5:30 p.m. Chann noted there was a quorum.

INTRODUCTION OF TRUSTEE BILL WATKINS

Chann introduced Bill Watkins as the newly appointed BCRSD Board Trustee, effective April 1, 2024, through January 31, 2028.

ADOPTION OF (REVISED) AGENDA

The Agenda was not revised before the meeting. Tom Ratermann advised he would discuss under New Business: 97 N Pike Street; Butch's Investments; and 4960 N Creasy Springs Road.

On a motion by Bill Watkins and a second by Debbie Schnedler, the Board moved to

approve the Agenda.

Randy Chann, Debbie Schnedler, Dave Bennett and Bill Watkins voted in favor.
Justin Aldred was absent until 5:32 p.m. Motion carried.

APPROVAL OF MINUTES FOR MARCH 2024 REGULAR SESSION

The minutes for the March 2024 Board of Trustees Regular Meeting were included in the packet.

On a motion by Randy Chann and a second by Debbie Schnedler, the Board moved to approve the minutes for the March 2024 Board of Trustees Regular Meeting as written.

Randy Chann, Debbie Schnedler, Dave Bennett and Bill Watkins voted in favor.
Justin Aldred was absent until 5:32 p.m. Motion carried.

SAFETY DISCUSSION AND APPROVAL OF SAFETY MINUTES

Daniel Cunningham reviewed the March Safety Minutes included in the packet. Discussion ensued regarding customers who have issues with air escaping through toilets and other plumbing fixtures. BCRSD crew will attempt to notify customers with known plumbing and escaping air issues in advance when line maintenance occurs. Ratermann explained the reason this occurs has to do with the plumbing is not properly vented, and it may be recurring until the building's ventilation is repaired. Other than notifying the lot owners in advance, the BCRSD can lower the force of the jet stream when going by these known locations to help prevent the issue.

Chann inquired if the lot owners are required to repair the ventilation issue. Ratermann explained such locations exist in older subdivisions. Schnedler asked staff to consider addressing this matter in the Regulations through an issued notice that if the house is not properly vented or not up to code, and the pressure cleaning to the main creates a backup, the BCRSD will not be liable for damage. Ratermann explained that the BCRSD does not pay damages for air escaping through toilets. Ratermann advised that in addition to the notifications going out, crews performing the cleaning set up signs at the work location indicating that the cleaning is taking place.

Discussion ensued on marking drawings (via the GIS work that is ongoing) with the locations of 'known' problem areas for ease of access for the crews performing the cleaning. This database should evolve to a point where the information is more accessible to crews allowing them to reduce pressure in a more practical manner. It was noted that the 'air release' that occurs will push no more than 1-2 gallons of water out of the fixtures in poorly vented house.

Cunningham reported the experience modification rate (EMR) for workers' compensation at 1.22%. He advised the window for claims impacting the EMR is 3 to 5 years. Chann noted he was concerned about trends, and if the points are fluctuating, then this could be considered against the cost of insurance. Foster advised the most recent incident occurred in 2020 and should roll off the EMR. He suggested staff follow up with Missouri Rural Services Workers' Compensation Insurance Trust about updating the EMR. He recommended asking as to whether the policy expiring in 2021(that contained the 2020 incident) should be rolled off the EMR calculation.

Cunningham reviewed emergency exits for the meeting held in the Commission Chambers.

Schnedler and Foster agreed that Safety minutes should be approved by the safety committee and

not the Board of Trustees.

PUBLIC COMMENT

There was no Public Comment.

OLD BUSINESS

Schnedler asked if Salter Mowing Service met the requirements of the Request for Proposal (RFP); Cunningham advised they have met the requirements.

Schnedler asked about the status on the Bolli Road Neighborhood Improvement District (NID), as the minutes referenced a construction award was to be made in May. Ratermann advised the goal is to get the RFP advertised, and have it ready for award during the June Board meeting. He explained the County Auditor, County Treasurer and the County Collector must all sign off on the supplemental agreement for the flow of funds before it goes to the County Commission. The County currently has the agreement, and it may end up on the Tuesday or Thursday Commission Agenda in April. Afterward, the RFP is advertised, the bids opening takes place, then HDR will evaluate the bids and make an award recommendation.

CONSENT AGENDA

Easement Acquisition Report
Permit Status Report
Status Report (Work in Progress)
Planning and Zoning Update
Operations & Maintenance (O&M) Reports
1st Quarter 2024 Lien & Litigation Report
1st Quarter Utility Assistance Report

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

Schnedler inquired about the Midway Arms permit status. Ratermann advised letters have been prepared to send to Potterfield, Midway Arms staff, and to the Department of Natural Resources. The letters make request to renegotiate the Schedule of Compliance and will be sent later in April.

Foster reviewed the O&M reports included in the packet. The contract with Renick was terminated at Renick's request. Foster noted a contract signed by Renick was not found, so there was no notice required to terminate services. Renick will store their lift station pumps that were pulled in March. He advised BCRSD would be available to provide billable assistance for O&M administrative tasks if Renick requests such assistance.

Schnedler asked what process the Board has to form an agreement and ensure that it is executed. She recalled a draft agreement for contract services for Renick was presented, which Renick did not execute, and the BCRSD performed services without it. She asked how the Board would be apprised of such a scenario. Watkins advised he did not feel that BCRSD should provide services with any other district without an executed contract, for reasons such as liability. Ratermann agreed the contract should have been executed up front. Schnedler advised the Board needs to be able to track the issue through the agenda to track the status.

Foster advised staff will consider a process of checks and balances going forward to ensure this

does not happen again. Ratermann stated the BCRSD provided services to Renick for approximately 18 months.

Schnedler explained there may be some outstanding deliverables that should be communicated in writing to ensure that Renick has received what they need to assume responsibility for O&M matters. Foster suggested a chain of custody report for the services rendered. Foster advised that BCRSD may offer administrative services at a fee until Renick has the skill set to perform such tasks required.

Renick has a land application system, and Chann asked if the BCRSD has experience with such systems to lend to conversations about long-term compliance strategies. Ratermann advised the BCRSD operates drip dispersal systems but not spray-type land applications. The BCRSD manages no other agreements under contract outside of Boone County.

Chann advised Trustees that the Board has received the O&M report since the beginning, that Board discussions do not take place unless Trustees ask questions, and he asked if Trustees to consider if they would like to receive additional information monthly.

Foster reviewed the Rocky Fork Effluent Flow report and explained staff is deliberating how to obtain flow data from other facilities.

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

MANAGER'S REPORT

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.

Customer Count Report

The report was included in the packet. Ratermann noted that 58% of BCRSD customers receive wholesale City treatment, and all of these customer collection systems are owned and managed by BCRSD. Chann reviewed the average bill amounts range from \$70 to \$90, based on 5,000 gallons monthly and depending on what type of system serves the connection. Water usage average updates occur once annually unless customers call for an additional water usage review. Chann asked about the theory behind the 5,000-gallon usage billing rates. Ratermann advised the 5,000-gallon average was established by industry standard. He reviewed the types of systems serving BCRSD customers. Foster advised that based upon water usage over the past five years, customer usage average was closer to 4,000-gallons per month.

Chann asked about water usage decreasing compared to costs of sewer services not decreasing. Foster suggested reviewing the rate model being built to see what needs to be done to maintain viability based on what is going on in the region, and that the solution would be situational. Schnedler advised the BCRSD has not yet implemented a way to break costs of treatment out from costs of collections.

Boone County Master Plan

Aldred advised ourboone.com will have all the information regarding the Master Plan, including a two-hour meeting recorded that reviewed urban and urban-edge areas. Open houses will be held

April 23rd and 24th. The housing study is being conducted and is projecting a need for 37,000 additional housing units by 2050. He advised a preliminary Master Plan document may be available by the end of 2024.

Area-Wide Management Plan (AWMP)

Ratermann reviewed the schedule included in the packet. McClure was hired to create the AWMP, which is a plan to provide wastewater service to existing and planned systems, how to manage existing private DNR-permitted facilities, how to guide new private permitted facilities (multi-structure facilities), and to provide emphasis on plans for systems that may pose future challenges to the District's Tier 2 Authority. He advised the AWMP will include an updated Capital Improvements Plan (CIP) and facility evaluations.

Foster advised BCRSD should have a draft CIP and AWMP to review around August 2024, and McClure should provide monthly progress reports between March and August. The AWMP should be synchronized with the County Master Plan.

Ratermann advised BCRSD is approximately 16 % paid for. Trustees asked about deliverables associated with the percentage paid, as the deliverables were not outlined in the chart. Foster indicated that there were not any deliverables to this point, as much of the work has been information gathering and they are currently digging into the details of the requests for information. Cunningham advised some deliverables were requested but were not selected in the approved option for the AWMP. The deliverables may come on the back end since McClure was coordinating with other organizations to review, discuss, and determine outcomes. The last AWMP for BCRSD was performed in 2013.

ARPA Update

Ratermann explained The County Commission intends to have Letter of Intent (LOI) out to recipients of the second round of ARPA funds at the end of April. Ratermann advised the BCRSD requested flood protection for the Rocheport pump station. At a meeting with the County Commission, the BCRSD agreed on a reduced scope of work that would eliminate the flood protection barrier and focus on the pump station.

Renick Contract

See also *Consent Agenda: O&M Report*.

2024 Rate Increase – Public Hearing May 14th at 5:30 PM

Ratermann reviewed the Notice of Public Hearing on Proposed Rate Increase included in the packet. The draft resolution and a table for the proposed rate increase were included in the packet.

Watkins inquired about how the increases are determined; Ratermann responded the incremental increase was implemented to keep up with inflation. Schnedler advised that the last User Rate Study was used to determine rate increases according to CIP projects, but the study recommended broadly fluctuating rate increases. The Board determined an incremental increase would be more amenable to customers than having a steep increase in any particular year. The BCRSD is working toward an updated URS.

Organizational Chart

Ratermann explained a draft chart would be available at the next meeting.

On a motion by Randy Chann and a second by Dave Bennett, the Board moved to accept

the Manager's Report as presented. Motion carried.

HUMAN RESOURCE & FINANCE REPORTS
HR & Finance Manager Report & Invoices of Note

Wiegiers reviewed the memo included in the packet. During review of HR items within the memo, she advised there is an option to use a single payroll vendor to manage payroll and activity-based accounting and time-keeping functions. Chann noted it is important to have former payroll systems gel with new payroll and timekeeping systems.

Workers' Compensation Insurance

Wiegiers advised Steve Naught told her BCRSD could save \$10k and receive a safety program through Missouri Employer Mutual (MEM). Wiegiers indicated that BCRSD's workers' compensation insurance was switched to the new provider to take advantage of this savings. Foster commented that the BCRSD pays about \$5,000 more for having the 1.22% EMR on the current workers' compensation insurance.

1st Quarter Financials

The Financial Reports were included in the packet.

Foster commented that the URS did a good job predicting future user growth for BCRSD, but not at predicting which years the growth would take place.

Watkins inquired and Wiegiers responded that the quarterly reports reflect what has been budgeted for the fiscal year's quarter and could be multiplied by 4 to determine the annual amounts budgeted. Wiegiers noted this could change in the future if significant expenditure trends are found in a particular quarter.

Wiegiers indicated that the first quarter reports were drafted and subject to minor changes due to the time crunch associated with receiving the information and the timing of the Board meeting.

On a motion by Debbie Schnedler and a second by Dave Bennett, the Board moved to accept the HR & Finance Reports as presented. Motion carried.

(Agenda Items)

CONSIDER ACCEPTING BILL OF SALE FOR THE ESTATES
FROM TERRY WILSON

Ratermann reported the Wilson lot has been connected and pressure-tested; he recommended acceptance of the Bill of Sale.

On a motion by Debbie Schnedler and a second by Randy Chann, the Board moved to accept the Bill of Sale from Terry Wilson for one lot at The Estates. Motion carried.

**CONSIDER 2ND REIMBURSEMENT AGREEMENT WITH
RML INVESTMENTS FOR THE PRAIRIE MEADOWS
SANITARY SEWER IMPROVEMENT PROJECT**

Ratermann advised the Prairie Meadows wastewater reclamation facility serves a blend of residential and commercial properties. He advised predicting commercial and industrial flows can be difficult. The BCRSD adopted a permit system where the property owner must apply for a permit and advise what they believe their wastewater usage will be. He explained BCRSD entered an agreement for service with the LeMone Trust in 2007, and they are running out of treatment capacity. In an effort to increase treatment capacity, they agreed to pay for a sanitary sewer evaluation survey at about \$45,000. The BCRSD supported the effort by televising all sewers in the service area. McClure reported there is \$300k worth of work in the service area that needs to be completed to eliminate peak flows in the facility. The next step is to design improvements that the SSES contemplated.

Ratermann reviewed the 2nd Reimbursement Agreement with RML included in the packet. He reviewed previous phases of development in this area. RML will reimburse \$39,000 to the BCRSD for the design; reimbursements may be made for some other repairs. Improvements needed include installing a new influent flow meter, spot repairs, cured-in-place pipe, and requires some repairs of private lateral connections to the public main. Property owners are financially responsible for repairs at their connections to the main; if the BCRSD must repair the connections, owners will need to reimburse the BCRSD. The BCRSD staff will meet with Jay Burchfield of RML on April 17th. Ratermann advised there is no financial obligation for the BCRSD in the agreement. The signature blocks were revised by General Counsel.

Watkins expressed concern about significant changes being made after Board approval. Foster advised significant changes would result in BCRSD not signing the agreement and bringing it back to the Board for an update and approval from Trustees in light of the updated agreement.

On a motion by Debbie Schnedler and a second by Randy Chann, the Board moved to approve the 2nd reimbursement agreement with RML Investments for Prairie Meadows sanitary sewer improvements project if it conforms substantially to the form submitted to the Board. Motion carried.

**CONSIDER AGREEMENT FOR PROVISION OF WASTEWATER TREATMENT
SERVICES BETWEEN THE BCRSD AND THE JEHOVAH-JIREH TRUST FOR A
PROPOSED PLAT OF ARROWHEAD LAKE ESTATES**

Ratermann reviewed the draft agreement included in the packet. He advised the BCRSD had a 2017 agreement with the former owners Keithahn for the subdivision of this property into 9 lots. The property has since changed hands. The final agreement will not require the conveyance of the easement, which was completed by Keithahn. The other primary condition of the agreement is that the new owners Porter pay a third--party review of the sanitary sewer plans. He recommended Trustees approve the agreement, subject to General Counsel's final review. He advised that if the Keithahns paid for the connection fees previously, the section regarding Payment for Treatment Capacity will be excluded. Ratermann will recommend \$4,000 for the plan review because that is what Keithahn agreed upon, and the proposal from HDR was \$1,900. All contact with the owner has been through Crockett Engineering and the excavation contractor.

On a motion by Debbie Schnedler and a second by Randy Chann, the Board moved to approve the agreement for wastewater services to the Jehovah-Jireh Trust at Arrowhead

Lake Estates, subject to finalization of section 2.3 regarding connection fees, and the addition of the requirement to pay for an independent 3rd-party review by the Trust, and subject to General Counsel review.

Randy Chann, Debbie Schnedler, Dave Bennett and Justin Aldred voted in favor.
Bill Watkins recused himself. Motion carried.

**CONSIDER PROPOSAL FROM HDR ENGINEERING FOR THE REVIEW OF
SANITARY SEWER PLANS FORM THE JEHOVAH-JIREH TRUST FOR A PROPOSED
PLAT OF ARROWHEAD LAKE ESTATES**

On a motion by Debbie Schnedler and a second by Randy Chann, the Board moved to accept the proposal from HDR Engineering for the review of sanitary sewer plans form the Jehovah-Jireh Trust for a proposed plat of Arrowhead Lake Estates.

Randy Chann, Debbie Schnedler, Dave Bennett and Justin Aldred voted in favor.
Bill Watkins recused himself. Motion carried.

NEW BUSINESS

97 Pike Street in Rocheport:

Ratermann advised in 2020, Lesley Oswald sent communication to Trustees advising 97 Pike Street was not connected to the public sewer system. The conveyance of existing connections from Rocheport included this property, and sewer billing ensued from 2009 to 2019. Five different residents and owners assumed sewer fees for the property over the course of time; refunds were issued to the account holders in exchange for a settlement statement that they would make no further claims. One property owner declined, and it was concluded that the BCRSD owed a refund to the owners Benner in the amount of \$3,544.00. The City of Rocheport and the BCRSD has been working with the current owner to get a sewer designed, a permit from DNR, and a construction contract to build sewer to the residence. In April, the BCRSD settled with Benner and withheld the \$2,300 connection fee from the refund owed; BCRSD paid the owner \$1,104.74. He asked the Trustees to ratify this agreement.

Schnedler proposed staff report again May with a memo outlining historical benchmark dates, corrective action taken payment amounts, and reimbursement amounts for Trustees to approve.

Butch's Investments:

Ratermann described the property as a 4-lot, planned light industrial development on Highway 163. Trustees entered agreement and two amendments with the developer for a subsurface drip dispersal system with a design flow of 2,910 gallons per day and does not require permit from DNR. The permits with local authority were recorded with the land records to ensure that when lots sell, the buyers understand there is limited treatment capacity. The developer wants to reduce the square footage on one lot, increase square footage on another lot, and he will have 2 buildings on one lot, and a reduced square footage footprint on another lot. The agreement requires some simple changes, and the permits need to be rewritten, re-signed and recorded in the land descriptions again.

Watkins inquired about how BCRSD will monitor and enforce the allocation capacity per lot. Ratermann advised BCRSD would rely on the conditions of the permit conveyed in the land records. He explained the original agreement did not include a section for reimbursement for legal fees. Schnedler requested a draft amendment for Trustees to approve.

4960 N Creasy Spring Road:

Ratermann explained this 6-lot pressure sewer extension was built in 2018. The agreement stated the BCRSD would maintain the pumps and control panels in the Creasy Bend subdivision. This property in the subdivision was not billed the maintenance surcharge. A \$500 repair was made to the pump at this location, and the property owner is seeking reimbursement. He advised there was no agreement made with the developer for provision of services because capacity was available, and this was treated as a standard system expansion. Staff will determine how to proceed and will return with a recommendation for Board approval. Ratermann explained that contractors or the lot owners are responsible for completing a sewer inspection form.

VOTE TO HOLD CLOSED SESSION UNDER SECTION 610.021 (1), (2), (12) & (13)

On a motion by Justin Aldred and a second by Randy Chann, the Board moved that the Boone County Regional Sewer District Board of Trustees authorize a closed meeting at 7:38 PM on April 16, 2024, as authorized by: 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 and as authorized by section 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; (12) sealed bids and related documents, until the bids are opened; and sealed proposals and related documents or any documents related to a negotiated contract until a contract is executed, or all proposals are rejected; and (13) RSMo. to discuss individually identifiable personnel records, performance ratings or records pertaining to employees or applicants for employment, except that exemption shall not apply to names, positions, salaries and lengths of service of officers and employees of public agencies once they are employed as such, and the names of private sources donating or contributing money to the salary of a chancellor or president at all public colleges and universities in the state of Missouri and the amount of money contributed by the source.

Randy Chann, Debbie Schnedler, Dave Bennett, Bill Watkins and Justin Aldred voted in favor. Motion carried.

On a motion by Justin Aldred and a second by Dave Bennett, the Board moved to re-open the regular meeting at 8:15 PM on Tuesday, April 16, 2022.

Randy Chann, Debbie Schnedler, Dave Bennett, Bill Watkins and Justin Aldred voted in favor. Motion carried.

ADJOURNMENT

Randy Chann, Debbie Schnedler, Dave Bennett, Bill Watkins and Justin Aldred voted in favor. Motion carried.

Meeting was adjourned at 8:15 PM.

Approved by:
