

METRO WATER RECOVERY

Minutes of the Regular Board of Directors Meeting

April 19, 2022

The Board of Directors of the Metro Water Recovery, in the Counties of Adams, Arapahoe, Douglas, Jefferson, and Weld, and the City and County of Denver, State of Colorado, met in regular session at 6450 York Street, Denver, Colorado, Tuesday, April 19, 2022 at 5:30 p.m. in the Administration Building Boardroom.

Chairman Twombly called the meeting to order.

1. OATH OF OFFICE

The following Directors have been reappointed by their Member Municipalities for a two-year term of office which expires June 30, 2024.

Appointed Director

Phil Burgi
David Councilman
Janet Kieler
Laura Kroeger
Mary Beth Susman
Amerigo Svaldi

Member Municipality

Wheat Ridge Sanitation District
Pleasant View Water and Sanitation District
City and County of Denver
City of Lakewood
City and County of Denver
North Washington Street Water and Sanitation District

2. ROLL CALL

Secretary Niyork called the roll.

Officers Present:

Scott Twombly, Thornton
Andrew Johnston, Denver
Sarah Niyork, South Adams
Jo Ann Giddings, Aurora

Chairman
Chairman Pro Tem
Secretary
Treasurer

Directors Present:

Greg Baker, Aurora
Phil Burgi, Wheat Ridge
Nadine Caldwell, Aurora
David Councilman, Pleasant View
Deborah Crisp, East Lakewood
Clark Davenport, Northwest Lakewood
John Dingess, Aurora
Robert Duncanson, Denver*
Joan Iler, Westridge
Janet Kieler, Denver
Craig Kocian, Arvada*
Laura Kroeger, Lakewood
Kathy Laurienti, Crestview
Doug Lazure, Denver

Bob LeGare, Aurora*
Charles Long, Thornton*
Martin Majors, Fruitdale*
Jamie Miller, North Table Mountain*
Steve Pott, Applewood*
Bill Ray, Arvada
Bob Roth, Aurora*
Greg Sekera, Lakewood
Del Smith, Bancroft-Clover
Peter Spanberger, Denver
Mary Beth Susman, Denver
Dennis Towndrow, North Pecos*
Jennifer Williams, Denver
Ronald Younger, Denver

Directors Absent:

Curt Aldstadt, Westminster
Peter Baertlein, Denver
John Chavez, Berkeley

Marv Falconburg, Brighton
Michael Sapp, Denver
Amerigo Svaldi, North Washington Street

Others Present:

Mickey Conway
Emily Jackson
Liam Cavanaugh
Ruth Kedzior
Yvonne Kohlmeier
Lydia Nkem
*Attended virtually

Chief Executive Officer (CEO)
General Counsel
Deputy CEO/Chief Operating Officer (COO)
Assistant to the CEO
Senior Administrative Assistant
Executive Assistant

3. PUBLIC COMMENT

There was no comment.

4. APPROVAL OF MINUTES**4.a Minutes of the Board of Directors Meeting on March 15, 2022**

Chairman Twombly asked if there were any corrections, deletions, or additions to the minutes of the Regular Meeting of the Board of Directors held March 15, 2022.

Director Smith moved and Director Laurienti seconded the motion to approve the minutes of the Regular Meeting of the Board of Directors held March 15, 2022.

The motion carried unanimously.

5. PROGRESS AND PROJECTION REPORTS**5.a Report by Chief Executive Officer**

CEO Conway reviewed his written report, highlighting the 2021 Financial Statements audit; the 2023 Budget and Operations Review prepared by Raftelis Financial Consultants, Inc.; Governor Polis's proclamation for Wastewater Worker Recognition Week; and Metro's social media links which are now uploaded in BoardEffect.

5.b Report by General Counsel

General Counsel Jackson provided an update on the legal report. Ms. Jackson answered questions on per- and polyfluoroalkyl substances (PFAS) and antidegradation.

6. REPORTS OF OFFICERS AND COMMITTEES

6.a Meeting Minutes

There were no additions to the following meeting minutes:

Audit Committee	November 4, 2021
Operations Committee	April 5, 2022
Finance Committee	April 7, 2022
Executive Committee	April 12, 2022

Director Niyork gave an update from the Audit Committee meeting held on April 7, 2022, noting the auditors, Moss Adams LLP, gave their presentation to the Audit and Finance Committees and she appreciates the Finance teams' timeliness and Mr. Rowland's overview of the Family Medical Leave Act (FMLA) audit report.

7. NEW BUSINESS

Consent Agenda

7.a Consideration of Renewal of All-Access Pass Agreement with Franklin Covey

Director Ray moved and Director Dingess seconded the motion to adopt the following resolution:

WHEREAS, it is in the best interest of Metro Water Recovery, hereinafter referred to as "Metro," to enter into a one-year agreement with Franklin Covey Co., (Franklin Covey) to provide access to the Franklin Covey Solutions; and

WHEREAS, to achieve the Metro 6.0 objective to "Nurture Talent" Metro has provided training to support all employees' growth and development with technical skills and leadership and communication skills through Franklin Covey's training platform; and

WHEREAS, the current contract with Franklin Covey expires May 31, 2022; and

WHEREAS, the Operations and Finance committees, after having reviewed the matter, recommend authorizing the Chief Executive Officer to enter into a one-year agreement effective June 1, 2022 with Franklin Covey to provide access to the Franklin Covey Solutions, maintained on Franklin Covey's All Access Pass™ platform; and

WHEREAS, the Executive Committee, after having reviewed the matter, concurs in the recommendation of the other committees;

NOW, THEREFORE, BE IT RESOLVED the Chief Executive Officer be and hereby is authorized to enter into a one-year agreement effective June 1, 2022 with Franklin Covey Co., to provide access to the Franklin Covey Solutions, maintained on Franklin Covey's All Access Pass™ platform; and

BE IT FURTHER RESOLVED the Chief Executive Officer be and hereby is authorized to enter into additional contract periods not to exceed a total of a five-year

term if it is determined by the Chief Executive Officer to be in the best interest of Metro Water Recovery.

The motion carried unanimously.

7.b Consideration of METROGRO Farm Chemical Application

Director Ray moved and Director Dingess seconded the motion to adopt the following resolution:

WHEREAS, it is in the best interest of Metro Water Recovery, hereinafter referred to as “Metro,” to enter into a contract for chemical application services for Metro’s METROGRO Farm (Farm); and

WHEREAS, in December 2021, Metro staff issued a Request for Proposals (RFP) to provide chemical application services from the period of April 1, 2022 through March 31, 2023; and

WHEREAS, Metro received two responses to the RFP; and

WHEREAS Metro staff evaluated the proposals and recommends awarding a contract to Nutrien Ag Solutions (Nutrien), with a price of

- \$6.50 per acre for ground application on the South and Central Farm,
- \$7.00 per acre for ground application on the North Farm, and
- \$8.00 per acre for all Aerial application,

plus the cost of spraying services and the purchase of chemicals for an estimated total one-year contract price of \$1,706,553 for the period of April 1, 2022 through March 31, 2023; and

WHEREAS, the Operations and Finance committees, after having reviewed the matter, recommend authorizing the Chief Executive Officer to enter into a one-year contract with Nutrien for chemical application services at the Farm in the amount of \$1,706,553 for the period of April 1, 2022 through March 31, 2023; and

WHEREAS, the Executive Committee, after having reviewed the matter, concurs in the recommendation of the other committees;

NOW, THEREFORE, BE IT RESOLVED the Chief Executive Officer be and hereby is authorized to enter into a one-year contract with Nutrien Ag Solutions for chemical application services at the METROGRO Farm in the amount of \$1,706,553 for the period of April 1, 2022 through March 31, 2023; and

BE IT FURTHER RESOLVED the Chief Executive Officer be and hereby is authorized to enter into additional contract periods not to exceed a total of a five-year term if it is determined by the Chief Executive Officer to be in the best interest of Metro Water Recovery.

The motion carried unanimously.

7.c **Consideration of Support Buildings Improvements Project (PAR 1369)**

Director Ray moved and Director Dingess seconded the motion to adopt the following resolution:

WHEREAS, it is in the best interest of Metro Water Recovery, hereinafter referred to as "Metro," to execute a Change Order to the construction contract for the Technical Services Building (TSB) Fixed Asset Replacements and Improvements Project (PAR 1369) (Project); and

WHEREAS, the TSB, originally constructed in 1964, can no longer accommodate present-day staffing needs according to the 2018 Facility Plan and the Resource Recovery and Reuse Services (RRS) Building is in need of minor tenant improvements; and

WHEREAS, subsequent to the completion of the original design and scope of work of the Project, several drivers have emerged which require additional work related to workspaces; and

WHEREAS, to maximize efficiencies and cost savings, the existing construction contract for the Project with TCC Corporation (TCC) should be leveraged to complete the necessary additional improvements in the TSB; the RRS Building; and the Transmission Building due to the similar tenant finish scope of work; and

WHEREAS, the Operations and Finance committees, after having reviewed the matter, recommend authorizing the Chief Executive Officer to execute a change order in the amount of \$683,230 to the construction contract with TCC to provide additional improvements to three office buildings as part of the Project and appropriate \$809,700 from the Fixed Asset Replacement Fund for this change order; and

WHEREAS, the Executive Committee, after having reviewed the matter, concurs in the recommendation of the other committees;

NOW, THEREFORE, BE IT RESOLVED the Chief Executive Officer be and hereby is authorized to execute a change order in the amount of \$683,230 to the construction contract with TCC Corporation to provide additional improvements to three office buildings as part of the Technical Services Building Fixed Asset Replacements and Improvements Project (PAR 1369); and

BE IT FURTHER RESOLVED the sum of \$809,700 (100 percent) be and hereby is appropriated from the Fixed Asset Replacement Fund for this purpose.

The motion carried unanimously.

Roll Call Agenda

7.d **Consideration of Northern Treatment Plant Clarifier Cover Repair Project (PAR 1396)**

Director Sekera moved and Director Younger seconded the motion to adopt the following resolution:

WHEREAS, it is necessary Metro Water Recovery, hereinafter referred to as “Metro,” enter into a construction contract for the construction of the Northern Treatment Plant Primary Clarifier and Gravity Thickener Cover Replacement Project (PAR 1396) (Project); and

WHEREAS, in March of 2021, the Denver metropolitan area experienced a significant snowstorm and this Project was initiated to evaluate the damage to the covers of the primary clarifiers and gravity thickeners, identify replacement options, and replace the covers; and

WHEREAS, upon discovery of the issue, the Chief Executive Officer declared an Emergency and made funds available for immediate response, including partial removal of the primary clarifier covers to ensure their continued operation, which need to be reimbursed; and

WHEREAS, Metro filed an insurance claim with its property insurance and the claim has been approved to cover the eligible expenses for the replacement of the covers; and

WHEREAS, the cover replacements were designed using an existing on-call contract for general engineering services; and

WHEREAS, pursuant to the bid process in Metro’s *Purchasing and Contracting Policies*, an invitation to bid was posted on March 1, 2022, and Hensel Phelps (Hensel) was determined to be the lowest, responsive responsible bidder; and

WHEREAS, the Operations and Finance committees, after having reviewed the matter, recommend authorizing the Chief Executive Officer to enter into a construction contract with Hensel in the amount of \$4,988,000 for the construction of the Project and ratify the Emergency Declaration for this issue and reimburse \$301,444 in funds expended in response to the emergency and appropriate \$6 million (100 percent) from the Fixed Asset Replacement Fund for this Project; and

WHEREAS, the Executive Committee, after having reviewed the matter, concurs in the recommendation of the other committees;

NOW, THEREFORE, BE IT RESOLVED the Chief Executive Officer be and hereby is authorized to enter into a Construction Contract with Hensel Phelps in the amount of \$4,988,000 for the construction of the Northern Treatment Plant Primary Clarifier and Gravity Thickener Cover Replacement Project; and

BE IT FURTHER RESOLVED the Emergency Declaration be ratified for this issue and reimburse \$301,444 in funds expended in response to the emergency; and

BE IT FURTHER RESOLVED the sum of \$6 million (100 percent) be and hereby is appropriated from the Fixed Asset Replacement Fund for this Project.

Chairman Twombly called for a roll call vote which carried with 32 Directors voting Yes:

Greg Baker	Janet Kieler	Bill Ray
Phil Burgi	Craig Kocian	Bob Roth
Nadine Caldwell	Laura Kroeger	Greg Sekera
David Councilman	Kathy Laurienti	Del Smith
Deborah Crisp	Doug Lazure	Peter Spanberger
Clark Davenport	Bob LeGare	Mary Beth Susman
John Dingess	Charles Long	Dennis Towndrow
Robert Duncanson	Jamie Miller	Scott Twombly
Jo Ann Giddings	Martin Majors	Jennifer Williams
Joan Iler	Sarah Niyork	Ronald Younger
Andrew Johnston	Steve Pott	

8. INDIVIDUAL DIRECTOR COMMENTS

There was none.

9. OTHER INFORMATION

Chairman Twombly gave an update on in-person and remote meeting participation and provided some best practices for effective hybrid meetings. He also mentioned the Executive Committee discussed the possibility of a new policy statement conveying expectations of Directors when attending meetings remotely versus in-person and asked Directors to consider a change from chairman to chair to be gender neutral.

Chairman Twombly reminded Directors of the Spring Workshop being held on April 28,2022.

10. ADJOURNMENT

Chairman Twombly adjourned the meeting at 5:58 p.m.

MC:rak/yjk